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Virginia's Youngkin signs bills to limit executive authority during health emergency

By Tyler Arnold | The Center Square May 31, 2022 Updated May 31, 2022

Youngkin signed Senate Bill 4 and House Bill 158, which are identical and limit the duration of any executive orders issued under the governor's emergency powers during a state of emergency. Any rule, regulation or order imposed under that authority will only be valid for 45 days and the governor will be prohibited from enacting the same or a similar order after the time expires.

Once the 45 days expire, the mandates in the rule, regulation or order could only be extended if the General Assembly passed legislation to extend it. Del. Kathy Byron, R-Bedford, and Sen. Chap Petersen, D-Fairfax, sponsored their chamber's version of the bill over concerns about the broad authority taken by former Gov. Ralph Northam during the COVID-19 pandemic and the length of time for which the orders were in effect.

The governor also signed Senate Bill 46, which would make it easier for a citizen to challenge an executive order during a state of emergency if it closes schools or businesses or restricts the movement of healthy people in the area in which it applies. Per the law, a person will be able to file a lawsuit with any circuit court to challenge such an order. The same rights, protections and procedures that would apply to a quarantine order from the State Health Commissioner will apply to those orders from the governor.

Youngkin had proposed amendments that would have watered down the bills, but the General Assembly rejected those amendments. The bills had bipartisan support.

The governor also signed House Bill 4, which reinstates sexual assault reporting requirements in schools. Under the law, schools will have to report students for sexual assault and stalking, even when they are misdemeanors. This reverses a 2020 law, which gave school officials discretion over reporting all misdemeanors to police.

Some of the discretion allotted during the 2020 law will stay in place. School officials will still have discretion on whether they report underage alcohol possession, marijuana or drug misdemeanors and misdemeanor assault with a bodily injury. Schools are required to report all felonies.

Youngkin also signed legislation to allow non-Virginians who are victims of human trafficking to receive in-state tuition for colleges and universities. He also signed a bill that changes the election structure for the Loudoun County Public School Board.