

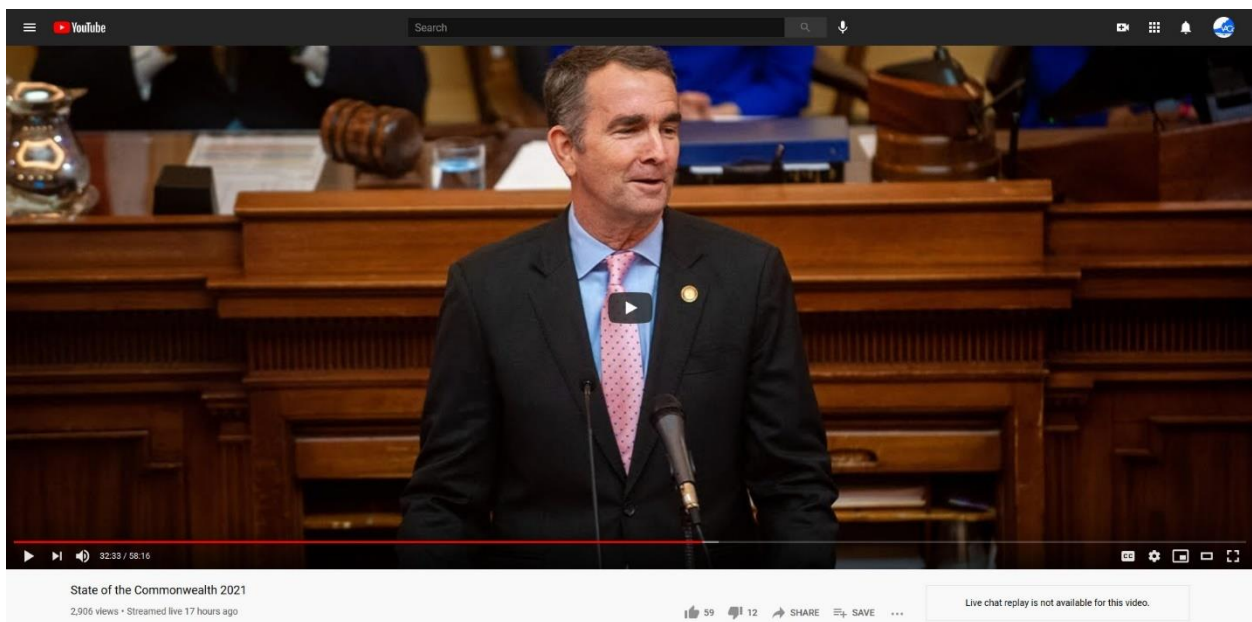
# Capitol Contact

## Virginia General Assembly

Virginia Association of Counties • 1207 E. Main Street, Suite 300 • Richmond, VA 23219  
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Thursday, January 14, 2021

## 2021 General Assembly Convenes



The 2021 General Assembly convened on Wednesday, January 13 for the start of a legislative session that promises to be fast-paced and wide-ranging. Somber moments punctuated the day, as legislators and Governor Ralph Northam reflected on the loss of Virginians to the coronavirus, including Senator Ben Chafin, who was remembered by colleagues as a kind and strong advocate for Southwest Virginia.

After lengthy discussion and attempts to secure agreement to a standard “short session” of 46 days, both chambers agreed to a procedural resolution that sets out the schedule for a 30-day session, but also provides a framework for legislation considered in the

regular session to carry over into any special session that may be subsequently called. There is an expectation that the Governor will call a special session in order to finalize work for the 2021 General Assembly Session, but it is unclear what topics might be covered in such a special session. Completion of the state budget is one possible option for an extended session; some discussion regarding the length of the session centered around the timing of the state's receipt of updated revenue data that would be essential in finalizing the state budget, as well as the issuance of more detailed federal guidance regarding use of funds in the recently-enacted relief package.

Even with the new, stricter limits on bill introductions to accommodate the compressed session schedule, action on legislation will be rapid in order to complete consideration of bills by the deadlines outlined in the procedural resolution. Both chambers began considering legislation on Wednesday afternoon.

Key dates in procedural resolution:

- **Last day to pre-file bills:** January 13, 10a.m.
- **Last day to file bills (except for certain legislation specified in the resolution):** Friday, January 22
- **Crossover:** Saturday, February 6
- **Money committees report budgets:** Sunday, February 7
- **Adjournment sine die:** Thursday, February 11
- **Reconvened session:** Wednesday, March 17

Shortly after committee work concluded for the day, Governor Northam delivered his annual [State of the Commonwealth](#) address, an event that is traditionally held before a joint session of the legislature, but this year took place before a small audience of legislative leadership, with most legislators watching remotely. The Governor remarked on the hardship of the recent year, but saluted Virginians' resilience and pointed to the accelerating roll-out of the COVID-19 vaccine as a harbinger of better times ahead. He reviewed some of his major initiatives in his budget, including protecting school divisions from reductions in state funding associated with pandemic-related fluctuations in enrollment, updating the formula for funding local health departments, investing in broadband deployment, expanding early childhood, restoring funds for tuition assistance for job skills training offered through community colleges, and shoring up the Virginia Retirement System. He announced that state revenues had

turned in a strong performance in December, and pledged to work with the legislature to convert the 2 percent bonus proposed for teachers in the introduced budget into a salary increase. He also announced support for several initiatives designed to address long-standing inequities in the criminal justice system: the legalization of marijuana, a Constitutional amendment providing for automatic restoration of civil rights for individuals with felony convictions, and the abolition of the death penalty. The Governor also offered stern words regarding the violent events of last week, but closed on a hopeful note, noting that “[t]he adversity of the past ten months has revealed a strong, resilient Virginia.”

A frenzy of legislative activity can be expected in the coming weeks. VACo will be providing regular updates to members in future issues of Capitol Contact.

**VACo Contact:** [Katie Boyle](#)

## House Transportation Committee greenlights legislation empowering localities

On January 14, following a meeting of the House Transportation Systems Subcommittee, the House Transportation Committee unanimously reported [HB 1903 \(Carr\)](#) by a vote of 19-0. This bill authorizes local governing bodies to adopt ordinances to reduce the speed limit to less than 25 miles per hour, but not less than 15 miles per hour, on any highway within its boundaries that is located in a business district or residence district provided the reduced speed limit is indicated by lawfully placed signs. If enacted, this legislation will enable local governments to respond to the needs of their communities more effectively and hopefully help reduce traffic incidents and pedestrian fatalities. Comprehensive transportation safety legislation containing this provision failed to pass during the 2020 General Assembly Session. VACo is thankful to the bill’s patron, and VACo staff provided comments in support of the legislation, which now advances to the House floor.

Additional legislation providing greater flexibility to the Virginia Department of Transportation (VDOT) and local governments also advanced out of the Committee. [HB 1813 \(Krizek\)](#) increases the dollar limit from \$600,000 to \$700,000 on the value of highway maintenance and construction projects eligible to be performed by state or local employees. This Administration-supported bill updates the project dollar limit to reflect inflation and would provide statewide benefits by allowing VDOT and locally administered projects, where VDOT has delegated the administration of certain transportation projects, to proceed “in-house” without requiring procurement of an outside contract. This should allow for quicker completion of smaller projects

such as minor bridge repairs, thus increasing the number of projects that can be performed. VACo is thankful to the patron, and VACo staff provided comments in support of the legislation, which now also advances to the House floor.

Lastly, [HB 1893 \(Hurst\)](#), which authorizes the creation of the New River Valley Passenger Rail Station Authority, was reported and referred by the House Transportation Committee to the House Appropriations Committee by a 16-3 vote. This legislation is meant to facilitate the expansion of passenger rail services from Roanoke to Christiansburg. Amtrak service to Roanoke began in October 2017. Since that time, ridership has exceeded operating costs and prior to the pandemic, saw a growth of 14% in the first two months of 2020 over the previous year. In his introduced budget, Governor Ralph Northam proposed \$50 million general funds in FY 2022 be allocated to the Commonwealth Transportation Board to achieve the proposed expansion of service.

**VACo Contact:** [Jeremy R. Bennett](#)

## **First round of outdoor refreshment bills is on (in) the House**

Identical bills – [HB 1738 \(Wampler\)](#), [HB 2051 \(Bourne\)](#), and [HB 2266 \(Ayala\)](#) – would allow any county, city, or town to create up to three “outdoor refreshment areas” to permit the consumption of alcohol sold by restaurants, bars and establishments located within such area. Each designated area is limited to one-half square mile, which is equivalent to 320 acres.

A locality wishing to create such areas would need to adopt an ordinance, post appropriate signage and coordinate with local law enforcement to establish a public safety plan that:

1. Details local strategies for managing pedestrian and motor vehicle traffic within the outdoor refreshment area;
2. Identifies and designates at least one Transportation Network Company (TNC) partner (such as Uber or Lyft) vehicle pickup area within or near each outdoor refreshment area to help facilitate efficient and safe travel to and from the outdoor refreshment area;

3. Incorporates local law-enforcement agencies to provide for the safety and welfare of individuals and businesses located within the outdoor refreshment area; and
4. Provides for the management of any additional locality-specific public safety concerns.

**VACo Contacts:** [Joe Lerch, AICP](#) and [Chris McDonald, Esq.](#)

## VACo supports tree replacement and conservation legislation

VACo supports important new tree replacement and conservation legislation introduced by Delegate Nancy Guy.

[HB 2042 \(Guy\)](#) provides effective new tools for localities wishing to do more to conserve or replace trees during development processes. More specifically, HB 2042, takes a two-pronged approach to this issue.

First, the legislation alters [§ 15.2-961](#) of the Code of Virginia, pertaining to tree replacement ordinances. As proposed, HB 2042 would allow local tree replacement or planting ordinances to exceed the current requirements in the following circumstances:

1. To generate pollution reduction credits through installation of an approved Urban Tree Canopy Expansion best management practice (BMP) or other approved BMP for compliance with the locality's Municipal Separate Storm Sewer System (MS4) Permit;
2. In any development project located in a Chesapeake Bay Preservation Area;
3. In any development project located in an area that prior to the passage of the federal Fair Housing Act of 1968, 42 U.S.C. § 3601 et seq., was redlined or graded "D" by the federal Home Owners' Loan Corporation; and
4. To ensure conformity with the comprehensive plan adopted by the locality.

Second, HB 2042 proposes changes to [§ 15.2-961.1](#) of the Code of Virginia. Currently, only localities within Planning District 8 that meet specific population density criteria

may adopt an ordinance providing for the conservation of trees during the land development process (pursuant to the provisions of this section). HB 2042 removes these geographic and population requirements, opening this section up to all localities across the Commonwealth.

HB 2042 will be heard in the House Counties, Cities and Town Committee on Friday morning (January 15). VACo is pleased to support this important legislation, and we are grateful for the hard work Delegate Guy has put into this subject.

**VACo Contact:** [Chris McDonald, Esq.](#)

## Helpful public notice bill introduced in the House

Helpful legislation streamlining public notice procedures for localities has been introduced by Delegate Margaret Ransone.

[HB 2114 \(Ransone\)](#) provides that in any instance in which a locality has submitted a timely notice of public hearing to a newspaper published or having general circulation in the locality and the newspaper fails to publish the notice, such locality shall be deemed to have met certain notice requirements so long as the notice was published in the next available edition.

Current law allows this only for localities located in Planning District 23 (Hampton Roads). Delegate Ransone's bill expands this to all localities in the Commonwealth.

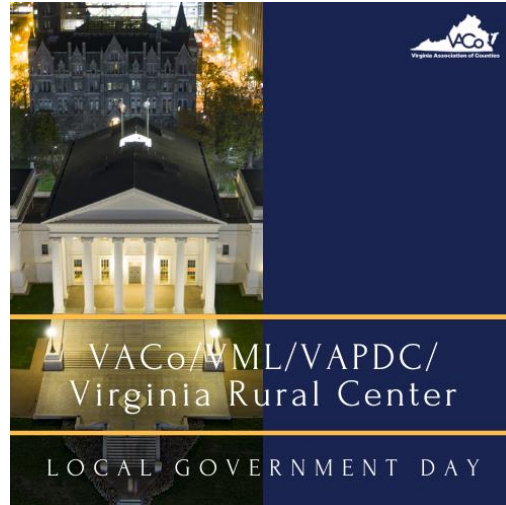
VACo is grateful to have worked with Delegate Ransone on this legislation and is eager to support the bill as it makes it way through the General Assembly.

**VACo Contacts:** [Chris McDonald, Esq.](#) and [Phyllis Errico, Esq., CAE](#)



# Advocate for your locality at the VACo Local Government Day

In Partnership with VML, VAPDC and the Virginia Rural Center



**Thursday, January 28, 2021 | Webex**  
[Registration Form](#) | [Register Online](#)

Join us at the VACo/VML/VAPDC/Virginia Rural Center Local Government Day on Thursday, January 28! This is our day to advocate for localities at the 2021 General Assembly Session.

The event kicks off at 9am. Governor Ralph Northam has been invited to speak. In addition, state legislators have been invited to participate and share their thoughts for the 2021 General Assembly Session. Also, VACo and VML staff will provide legislative reports on the major issues facing localities.

- Welcome and Introductions
- Governor Ralph Northam
- State Legislators Roundtable
- Team Legislative Reports

For information on how to reach your representatives, see the [Virginia House of Delegates](#) and the [Senate of Virginia](#) member websites. Find information about VACo's positions in the [2021 Legislative Program](#). We will distribute the Local Government Day Bulletin before the event.

Be a part of the legislative process at the 2021 General Assembly Session.

Register for the event at [VACo Local Government Day Online](#) (you must already have a VACo online registration account to use our online registration system). Or fax the [Registration Form](#) to 804.788.0083 or email the form to Valerie Russell at [vrussell@vaco.org](mailto:vrussell@vaco.org). The cost is \$30.

**VACo Contact:** [Valerie Russell](#)