

# Capitol Contact

## Virginia General Assembly

Virginia Association of Counties • 1207 E. Main Street, Suite 300 • Richmond, VA 23219  
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Tuesday, January 25, 2022

## School Construction Bill Passes Senate with Bipartisan Support

On January 24, by a vote of 28-12, the Senate of Virginia voted to report [SB 472 \(McClellan\)](#). VACo strongly supports the measure, which would permit any county or city to impose an additional local sales and use tax of up to 1 percent, if initiated by a resolution of the local governing body and approved by voters at a local referendum. As previously [reported](#), the revenues of such a local tax would be used solely for capital projects for the construction or renovation of schools. Any tax imposed shall expire when the costs for capital projects are to be repaid and shall not be more than 20 years after the date of the resolution passed. Currently, this authority is limited to the qualifying localities of Charlotte, Gloucester, Halifax, Henry, Mecklenburg, Northampton, Patrick, and Pittsylvania Counties and the City of Danville.

The Senate also voted to advance by nearly similar votes, [SB 37 \(Norment\)](#) and [SB 298 \(Deeds\)](#), which would expand this authority to Isle of Wight County and the City of Charlottesville respectively and are also supported by VACo.

SB 472 now moves to the House. VACo strongly encourages you to contact your [House Delegation Members](#) and urge them to support SB 472.

Yet to be heard in the House are two pieces of legislation identical to SB 472. [HB 531 \(Hudson\)](#) has been [assigned](#) to the House Finance Committee's Subcommittee #3, while [HB 1099 \(LaRock\)](#) has been assigned to the full committee. VACo strongly supports these bills and requests that you to contact members of the House Finance Committee's Subcommittee #3.

**[House Finance Committee's Subcommittee #3: Byron \(Chair\), Orrock, Freitas, Robinson, Runion, Murphy, Hudson, Scott, D.L.](#)**

Delegate Hudson also filed [HB 545](#), which is the House companion for [SB 298 \(Deeds\)](#). Additionally, Delegate Edmunds introduced [HB 63](#), which grants this taxing authority to Prince Edward County. VACo also supports these bills.

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

## **Children's Services Act Legislation under Consideration**

[SB 435 \(Barker\)](#), as introduced, would have required that the parent representatives who must be members of the community policy and management teams and family assessment and planning teams that administer the Children's Services Act (CSA) at the local level be caregivers for children with past experience with the child welfare, juvenile justice, special education, or behavioral health systems. Current law requires parent participation on these teams, but does not require parents to have specific experience. While parents' perspective is a vital and valued element of these teams, recruiting and retaining parent representatives is a challenge in many localities, especially for local CSA programs that operate multiple family assessment and planning teams, or in rural areas where there may be fewer potential volunteers. Requiring parents to have certain specific experience would have further limited the pool of potential volunteers and thus made compliance more difficult for local programs.

VACo and VML worked with the proponents of the bill to instead direct the State Executive Council to inventory current efforts to recruit and retain parent representatives and compile a list of best practices for encouraging parent participation. (A provision in the introduced bill to strike existing Code language that bars participation by parent representatives who work for a public or private program that receives CSA funds and who interact with children or supervise employees who interact directly with children, was retained.) As amended, the bill was reported by the Senate Rehabilitation and Social Services Committee on January 21. Similar amendments are expected to be made to the House companion legislation, [HB 427 \(Herring\)](#).

[SB 356 \(Stuart\)](#) allows some additional flexibility in the use of Children's Services Act funding to support students who transition from a private special education placement to a public school special education program established in Planning District 16, when that public school program is able to provide comparable services and the student would require a private placement in the absence of the public school program. VACo has historically supported this legislation and is closely monitoring the discussions at a workgroup convened as a result of

legislation in 2021 allowing certain limited use of CSA funds to transition children back to public schools; the workgroup is examining the issue of CSA funding in public schools more broadly, as well as how funding associated with private day placements could be administered by the Department of Education. SB 356 has been referred to the Senate Education and Health Committee and may be heard later this week.

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

## **Oppose Unfunded Mandate that Requires Locality to Supplement Public Defender Salaries**

[SB 282 \(Ebbin\)](#) and [HB 862 \(Lopez\)](#) mandate local governments to supplement public defenders' salaries if they supplement the salaries of Commonwealth's Attorneys' offices. Similar to legislation that failed in 2020, VACo opposes these bills that require that the governing body of any County or City that supplements the compensation of the Attorney for the Commonwealth, or any of their deputies or employees, above the salary of any such Attorney of the Commonwealth, deputy, or employee, to proportionally supplement the compensation of the public defender, or any of his deputies or employees.

If any locality supplements its Commonwealth's Attorney's salary as many localities already do, this creates an unfunded mandate requiring that they also similarly supplement Public Defenders' salaries in a similar fashion.

SB 282 passed Senate Judiciary on an 8-7 vote and has been sent to the [Senate Finance and Appropriations Committee](#). HB 862 will be heard in [House Counties, Cities and Towns](#).

**VACo Contact:** [Phyllis Errico, Esq., CAE](#)

## **VACo Speaks in Favor of Bill Increasing Eligibility for Local Use of State Broadband Funds**

On January 24, [HB 249 \(Davis\)](#) was heard in the House Communications, Technology, and Innovation Committee. As previously [reported](#), this bill expands the eligibility criteria for counties applying for Virginia Telecommunications Initiative grant ([VATI](#)) funds. Specifically, the bill directs the Virginia Department of Housing and Community Development to align the eligibility

criteria with the same found in the U.S. Treasury's Final Rule regarding the Coronavirus State and Local Fiscal Recovery Funds.

VACo spoke strongly in support of the bill as it will significantly increase the availability of state funds, that can be matched with federal and local dollars, to build broadband infrastructure at bandwidths and speeds capable of supporting reliable use. Following some vigorous debate, the committee voted 19-2 to refer the bill to the House Appropriations Committee. The bill has since been assigned to the House Appropriations Committee's Commerce, Agriculture, and Natural Resources Subcommittee.

VACo will continue to provide updates on the progress of the bill, including opportunities to express support once it has been assigned to a committee and scheduled for a vote.

**VACo Contacts:** [Jeremy Bennett](#) and [Joe Lerch, AICP](#)

## School Security Officer Veterans and Scope of Employment Bill Passes House

On January 25, the House of Delegates voted on party lines, 52-46, to pass [HB 8 \(Anderson\)](#). This bill would allow school security officers to be responsible for any duty assigned by the local school board, in addition to current enumerated duties, but excluding enforcement of discipline reserved solely and exclusively to school administrators. Additionally, it would permit any local school board or private or religious school to employ as a school security officer any veteran who was an active-duty member of the Armed Forces of the United States who served on active duty for at least 10 years and received an honorable discharge from service. The bill will now be heard by the Senate.

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

## Elections Bills Roundup

The House Privileges and Elections Committee began to hear legislation for the 2022 session on January 21, and reported several bills of interest to local government.

- [HB 76 \(Ware\)](#) requires the General Assembly to reimburse local governments for the cost of absentee voting in accordance with a plan to be established in the Appropriation Act. VACo supports this measure and spoke in favor of the bill, which was reported and referred to the House Appropriations Committee.

- [HB 195 \(Ransone\)](#) allows the Department of Elections to grant a waiver to a locality from the current requirement for a polling place to be located within a precinct or within one mile of the precinct boundary in the event that there is no suitable building that could be used for a polling place within the precinct or within the one-mile boundary. The Department may impose conditions on the waiver in order to ensure accessibility and security of the polling place.

Two bills dealing with ranked-choice voting narrowly failed to report from committee. [HB 129 \(Davis\)](#) would have allowed parties to hold primaries via ranked-choice voting, at the option of the party; the bill failed to report by a vote of 11-10. [HB 603 \(Hudson\)](#) would have extended the current authorization for ranked-choice voting in local city council or board of supervisors elections to any local or constitutional office; this bill was tabled by a vote of 12-9.

Bills reported by the Senate Privileges and Elections Committee at its first meeting on January 18 included the following:

- [SB 39 \(Spruill\)](#) requires candidates for Constitutional offices to be identified by party on the ballot if they are nominated by a political party or via primary (currently only candidates for federal and statewide offices and General Assembly seats are so identified). This bill has passed the Senate.
- [SB 222 \(McPike\)](#) requires all candidates to file campaign finance reports electronically with the State Board of Elections.

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

## School Bus Seatbelt Bill Tabled

On January 25, by a unanimous vote of 8-0, the House Education Committee's K-12 Subcommittee voted to table [HB 313 \(Krizek\)](#). This seemingly perennial bill would have mandated that new school buses purchased by school divisions be equipped with lap and shoulder strap seatbelts and that all school buses be equipped with such devices by July 1, 2040. VACo voiced concerns over the potential fiscal impact of the legislation to local governments. According to the fiscal impact [statement](#), the cost to retrofit an existing bus with seat belts can be \$20,000- \$30,000 for each bus. New school buses with seatbelts typically cost an estimated \$10,000 more than a bus without seat belts. Local school divisions would be required to cover any increased costs for retrofitting or new busses. Unlike in previous years, the subcommittee agreed to send a letter to the Chair of House Transportation asking for a study of the issue.

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

# Key Dates for the 2022 General Assembly

As part of its organizational work on the first day of the 2022 session, the General Assembly adopted a procedural resolution on January 12 that sets out important dates and deadlines for the 2022 legislative session.

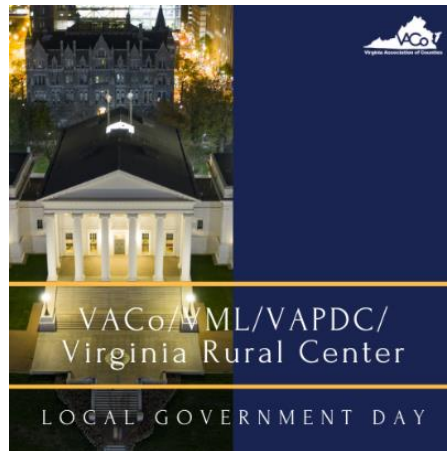
## Key dates for the 2022 Session

- **January 12:** General Assembly convened at noon. Bills that were “prefiled” were due to be submitted by 10 a.m. All bills and regulations affecting the Virginia Retirement System or creating or continuing a study were required to be filed before adjournment. Governor Northam delivered the State of the Commonwealth address at 7 p.m.
- **January 14:** Deadline for submission of budget amendments
- **January 15:** Joint Assembly for inaugural ceremonies
- **January 17:** Joint Assembly for address by Governor Youngkin
- **January 21:** Deadline for all bills or joint resolutions to be filed by 3 p.m. (with some exceptions, such as legislation introduced at the request of the Governor or legislation allowed to be introduced after deadlines by unanimous consent)
- **February 15:** “Crossover” deadline for each chamber to complete work on legislation originating in that chamber (except for the budget bill)
- **February 20:** Money committees report budgets by midnight
- **February 22:** Money committee budget proposals available by noon
- **February 24:** Houses of introduction must complete work on budget
- **March 2:** Deadline for each chamber to complete work on other chamber’s budget proposal and revenue bills and appoint conferees
- **March 7:** Deadline for committee action on legislation by midnight

- **March 12:** Scheduled adjournment *sine die*
- **April 27:** Reconvened session for consideration of Governor’s amendments and vetoes

VACo Contact: [Katie Boyle](#)

## Advocate for your locality at the VACo Local Government Day In Partnership with VML, VAPDC and the Virginia Rural Center



**Thursday, February 3, 2022 | [Omni Richmond Hotel](#) | [REGISTRATION FORM](#) | [REGISTER ONLINE](#)**

### **Local Government Day**

It’s a day for all of us. Counties. Cities. Towns. Planning Districts. It’s a day for us to learn how the decisions being made by the General Assembly might affect us. And it’s a day to make our voices heard. Attend Local Government Day. Then visit the Capitol to meet with your legislators and observe committee meetings. Later join us for a reception.

### **Registration Fee**

\$100 Day Briefing only (Noon – 2pm)



\$100 Reception only (530pm)  
\$150 for both | \$175 late registration

### **Agenda**

- Welcome, Introductions, and Lunch
- Governor-Elect Glenn Youngkin (Invited)
- Team Legislative Reports
- Visit Capitol to speak with Legislators
- Legislative Reception

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 [2022 Legislative Program](#). We will distribute the Local Government Day Bulletin before the event.

Be a part of the legislative process at the 2022 General Assembly Session.

Register for the event at [VACo Local Government Day Online](#) or fax the [Registration Form](#) to 804.788.0083.

### **Hotel Reservation Details**

Lodging costs are not covered in the registration fee. Local Government Day is held at the Omni Richmond Hotel, 100 South 12th Street, Richmond, VA 23219. Room rates start at \$162 (single room occupancy). To reserve a hotel room, call 804.344.7000 by January 24, 2022, with this code: **Government Legislative Day 2022 Group** or reserve a room at this [Omni Richmond Hotel link](#).

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