

Capitol Contact

Virginia General Assembly

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Tuesday, January 9, 2018

VACo Opposes Gutting of Local Authority for Siting of Wireless Towers and Poles

The wireless industry will once again be pressing lawmakers to pass legislation that would severely limit local authority for the siting of new wireless support structures (towers, poles). A preview of potential legislation expected can be found [here](#), and was presented to the General Assembly's [Committee on Wireless Communications Infrastructure last September](#).

Most significantly, the industry draft proposal prohibits a locality from requiring a special exception, special use permit, or variance be obtained for any support structures that are 50 feet or less above ground level. The measure also limits how much a locality may charge to review applications. Additionally, localities would be limited in addressing the visual impact of any wireless tower or pole, regardless of height.

During the 2017 legislative session VACo succeeded in preserving local authority to review and approve new wireless structures. As originally drafted, [SB 1282 \(McDougle\)](#) would have gutted local land use authority for the siting of new wireless support structures and forced the use of local government property without adequate compensation. However, upon completion of lengthy negotiations with the wireless industry, VACo agreed to support a substitute bill (subsequently signed into law) that only applies to zoning approval for the placement of small cell facilities (i.e. antennas) on existing structures.

As part of the agreement, [VACo sent a letter](#) to the patrons of the legislation with a commitment to work with the wireless industry in expanding service to rural areas. While we stand ready to honor that commitment, we steadfastly oppose any weakening of local authority for the siting of new wireless support structures.

Once legislation is introduced, we will follow up with additional updates. Stay tuned.

VACo Contact: [Joe Lerch, AICP](#)

VACo Meets with House Minority Leader

The VACo Legislative Team recently met with Delegate David Toscano to discuss the upcoming General Assembly Session, and several important County issues.

VACo expressed its support for the modernization of the Communications Sales and Use Tax Structure (CSUT). Currently, the tax does not reflect the modern telecommunications landscape – such as streaming services – that has evolved since the CSUT took effect in January 2007. “Digital products delivered electronically” in Virginia are exempt from the CSUT.

But a lot has changed in the past 10 years. Netflix, for example, has grown from a mail order DVD delivery service to almost exclusively an entertainment streaming service. Prepaid phones also have increased in use significantly over the past decade and are exempt in Virginia from the CSUT.

More states are exploring these tax options as revenues fall. Currently, Pennsylvania and Florida tax streaming as they do cable TV and satellite radio.

VACo also discussed its unwavering position on increased education funding. VACo believes the provision of a quality education for all of Virginia’s children is the most important function of a state and local government. VACo urges the General Assembly to provide full state funding for public education, including the Standards of Quality (SOQ) as recommended by the Board of Education.

Another topic of discussion during the meeting with Delegate Toscano was payment in lieu of taxes or PILT. VACo supports reinstating state payments (PILT) to counties that mitigate the impacts that state correctional and behavioral healthcare facilities have on county revenue.

VACo thanks Delegate Toscano for his time and looks forward to working with him to better serve Virginia and her citizens.

VACo Contact: [Dean Lynch, CAE](#)

Constitutional Amendments of Interest to Localities Reintroduced

Several Constitutional amendments of interest to localities have been reintroduced in the 2018 General Assembly. A constitutional amendment must pass twice in identical form – once before and once after an intervening election for House of Delegates – before being voted on as a referendum.

“Second resolution” Constitutional amendments that passed the 2017 Session and will be considered in 2018 are as follows:

[HJ 6 \(Miyares\)](#) allows for “portability” of the real property tax exemption for the surviving spouse of a disabled veteran; currently, the surviving spouse must continue to occupy the property that was originally eligible for the exemption to continue to qualify for the tax relief.

[HJ 41 \(LaRock\)](#) is a “lockbox” amendment that provides that transportation funds must be appropriated for transportation purposes; the General Assembly may borrow from transportation funds for other purposes by a two-thirds vote.

[SJ 21 \(Lewis\)](#) allows the General Assembly to authorize localities to provide for a partial exemption from real estate taxes for property subject to recurrent flooding that has been improved by flooding abatement or mitigation projects.

Two additional amendments dealing with the General Assembly’s authority to review and override administrative rules also passed the 2017 General Assembly and are likely to be considered in 2018 as well. Constitutional amendments are traditionally considered by the [House Privileges and Elections Committee](#) and the [Senate Privileges and Elections Committee](#).

VACo Contact: [Katie Boyle](#)

Meals Tax Legislation Introduced

[SB 115 \(Locke\)](#) removes the requirement for a food and beverage tax to be approved by referendum and increases the maximum tax rate from four percent to 8 percent. VACo has historically supported the ability of counties to levy a food and beverage tax by ordinance, authority which is currently extended to cities and towns. The legislation has been referred to the [Senate Finance Committee](#).

VACo Contact: [Katie Boyle](#)

Legislation Strengthens Community Policing Training and Standards

VACo is monitoring a pair of criminal justice bills that may affect Counties.

[HB 174 \(Filler-Corn\)](#) requires the Department of Criminal Justice Services to establish communication procedures between law enforcement and individuals with autism spectrum disorders, intellectual disabilities, and developmental disabilities. The legislation is pending a Committee assignment.

[SB 59 \(Lucas\)](#) directs the Department of Criminal Justice Services to include fair and impartial policing, verbal de-escalation, and needs of special populations in law enforcement training and recertification standards. The bill expands community engaged policing to include programs that are transparent, account for the needs of the community from those diagnosed with Alzheimer's to underserved individuals, represent community values, and prevent crime in a fair way. Other community engaged policing strategies address inclusive hiring practices and comprehensive training. The bill is assigned to [Senate Courts of Justice Committee](#).

VACo Contact: [Khaki LaRiviere](#)

Children's Services Act (CSA) Legislation Introduced

Two bills have been introduced that seek to address the issue of how to serve children with higher-level needs in their local school divisions.

[HB 176 \(Bell, Richard P.\)](#) directs the Department of Education to implement a pilot program in two local school divisions to study the resources necessary to transition students currently placed in a private school setting to a public school setting, including the potential redirection of CSA funds to provide resources and supports in the public school setting. [SB 205 \(Stuart\)](#), a more narrowly-tailored bill, provides that children transferring from a private placement to a public school special education program established in Planning District 16 would be eligible for CSA funds. Both bills respond to the growing cost of providing services to CSA-eligible children in private day placements.

Additionally, [HJ 29 \(Bell, Richard P.\)](#) directs the Joint Legislative Audit and Review Commission (JLARC) to conduct a wide-ranging study of CSA, to include coordination of Medicaid-funded services, placement decisions for special education services, and the use of outcome measures for quality and cost-effectiveness of services. Budget language continues a 2017 study by House Appropriations and Senate Finance Committee staff of ways to improve the quality and better manage the costs of private day placements, and provides

funding for a study of the current rates paid for private day programs, to include recommendations for implementing a rate-setting structure.

VACo Contact: [Katie Boyle](#)

2018 GENERAL ASSEMBLY CONVENES; Look for Capitol Contact on Tuesdays and Thursdays

The 2018 General Assembly session will span from January 10 to March 10, and legislators will deliberate on many issues critical to local government, including taxes, the state budget, education funding, economic development, public safety, and other policy matters.

VACo will continually provide updates during the session through [Capitol Contact](#). To ensure that you are receiving Capitol Contact, please send [Gage Harter](#) your best email address.

[Capitol Contact](#) is published every Tuesday and Thursday starting next week. In addition, VACo will email and text county officials Capitol Contact Alerts on many issues before they are heard by select committees. **If you would like to receive text alerts on your phone – email Gage Harter with your cell number.**

Please check [VACo's website](#) and [General Assembly webpage](#) often to get the latest information and bill updates. Also, be on the lookout for legislative videos recapping issues affecting counties. VACo will continue to release its newsletter, [County Connections](#), around the first and 15th of each month.

And be sure to attend the [Rural Caucus Reception and Dinner](#) on February 7 and [VACo's County Government Day](#) on February 8 in Richmond. Come hear legislative updates and then go advocate on behalf of counties. Be a part of the legislative process this General Assembly Session.

VACo Contact: [Dean Lynch, CAE](#)

Key Dates for 2018 General Assembly Session

The Joint Rules Committee met on December 18 to adopt the procedural resolution that will set out the [schedule](#) for the 2018 General Assembly session. Although the procedural resolution will be considered by the full House and Senate in January, typically it is agreed upon without amendments. Key dates in the procedural resolution are as follows:



- **January 10:** General Assembly convenes at noon. Prefiled legislation must be submitted by 10 a.m.; this is also the last day to file bills dealing with the Virginia Retirement System or legislation creating or continuing a study.
- **January 12:** Budget amendments by General Assembly members must be submitted by 5 p.m.
- **January 19:** All bills must be filed by 3 p.m.
- **February 13:** Crossover (deadline for legislation to pass its chamber of origin)
- **February 18:** The Senate Finance and House Appropriations Committees must report their respective budgets.
- **February 22:** Deadline for each chamber to complete work on its budget
- **March 5:** Deadline for committee action on legislation
- **March 10:** Scheduled adjournment *sine die*
- **April 18:** Reconvened session to consider the Governor's amendments and vetoes

VACo Contact: [Katie Boyle](#)

Advocate for your locality at VACo County Government Day



February 8, 2018 | Omni Richmond Hotel

[Registration Form](#) | [Register Online](#) | [Book Online Omni Richmond Hotel](#)

This is our day to advocate for counties at the 2018 General Assembly Session. Join us at VACo County Government Day on Thursday, February 8!

Registration opens at 11 a.m. and the event kicks off with lunch at noon. Governor-Elect Ralph Northam has been invited to talk on issues that affect counties. VACo staff will provide legislative briefs before inviting all present to meet with their General Assembly representatives that afternoon.

For information on how to reach your representatives, see the [Virginia House of Delegates](#) and the [Senate of Virginia](#) member listings websites. Find information about VACo's positions in the [2018 Legislative Program](#). We will distribute our VACo County Government Day Bulletin at the event.

We encourage all counties to participate in the legislative process - listen to briefs about the issues and speak with your representatives about your County's concerns. The VACo County Government Day event should conclude around 1:30 p.m.

Register for [VACo County Government Day online](#) or by faxing in a [registration form](#) to 804.788.0083. Register early and get involved in the legislative process.

VACo Contact: [Dean Lynch, CAE](#)