

# Capitol Contact

## Virginia General Assembly

Virginia Association of Counties • 1207 E. Main Street, Suite 300 • Richmond, VA 23219  
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Thursday, January 25, 2018

## Hearing on Communications Sales and Use Tax Modernization Legislation Delayed; Please Make Calls in Support

[HB 1051 \(Watts\)](#) was scheduled for consideration in [House Finance Committee's Subcommittee #2](#) on January 24, but was delayed until next week. (As General Assembly members juggle subcommittee and full committee meetings, temporary delays are not uncommon.) VACo encourages members to contact their delegates in support.

### TALKING POINTS

- The bill updates the CSUT by removing the exemptions for audio and streaming services, and prepaid calling services.
- Elimination of these exemptions was identified by a Department of Taxation [study](#) (mandated by the General Assembly) in 2015 as a way to stabilize declining revenues and remove the “competitive disadvantage” they place on providers of similar service, such as cable television and post-paid calling services.

### KEY CONTACTS

[House Finance Committee's Subcommittee #2](#): [Hugo \(Chairman\), Pogge, Cline, Fariss, Bloxom, Watts, Sullivan, Ayala, Ware](#)

Also, please adopt a resolution showing your support. [Here's a template of a resolution](#) counties may use. Send a copy of your resolutions to Dean Lynch at [dlynch@vaco.org](mailto:dlynch@vaco.org).

**VACo Contacts:** [Joe Lerch, AICP](#) and [Katie Boyle](#)

# Oppose Exempting School Boards from Obtaining Authorization from the Local Governing Body

VACo opposes [SB 440 \(Wexton\)](#) that seeks to exempt elected local school boards from receiving prior authorization from the local governing body prior to instituting any legal action against another governmental body.

**Action Required** – Contact your [Senators](#) and express opposition to SB 440. The bill will reach the Senate floor early next week. If communicating via letter or email, please send a copy to Chris McDonald at [cmcdonald@vaco.org](mailto:cmcdonald@vaco.org).

Currently, all school boards must receive authorization from their local governing body before instituting any legal action or expending any funds towards such legal action against another governmental entity regardless of the school board's selection method. The bill seeks to narrow this requirement, only applying it to *appointed* school boards. Currently, over 82 percent of school boards in Virginia are elected.

SB 440 would allow any elected school board to institute a legal action and expend funds to do so against another governmental body without authorization from the local governing body. The local governing body is responsible for appropriation of funds to the school board and should be involved in this type of decision. The bill is a dramatic policy change that affects most local governing bodies negatively both financially and in their relationships and interaction with other governmental entities.

[SB 440](#) reported out of the [Senate Education and Health Committee](#) by a narrow 8-7 vote.

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

## Local-option Tax Incentive for Larger Industrial-Scale Solar Installations Passes Senate Committee

VACo supports [SB 902 \(Lucas\)](#), which makes it a local option to provide a property tax exemption for larger utility-scale solar facilities. The [Senate Finance Committee](#) unanimously passed SB 902 on January 24.

Under current law such facilities greater than 20 Megawatts (MW) in electric generation capacity are provided a mandatory 80 percent exemption from local

property tax. As originally drafted, the mandatory 80 percent exemption would apply to projects between 20 MW and 100 MW. The bill was amended in committee to (1) apply the exemption to projects between 20 MW and 150 MW; and (2) to clarify that for purposes qualifying for the tax exemption, solar installations “owned or operated by a business on one site or contiguous sites shall be considered one project.”

VACo supports the bill as amended, noting that projects larger than 150 MW in generating capacity will no longer qualify for the mandatory exemption. Additionally, the amendment clarifying the definition of a project under one ownership, makes clear that the mandatory exemption, if applicable, is for the project as a whole and not in parts. Lastly, the bill still allows localities to, at their discretion, provide a tax incentive for these larger installations.

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

## Virginia Grocery Investment Fund Unanimously Reports out of Senate Finance

[SB 37 \(Stanley\)](#), the Virginia Grocery Investment Fund and Program (VGIF), reported out of the [Senate Finance Committee](#) with a unanimous vote on January 24. VACo was pleased to speak on the floor of the committee in support of Senator Bill Stanley’s important bill.

[SB 37](#) now heads to the full Senate floor. The House companion bill, [HB 85 \(Bell, Richard/McQuinn\)](#), will likely be heard in the [House Appropriations Committee](#) early next week.

VACo members are encouraged to contact their Senators to support passage of [SB 37 \(Stanley\)](#).

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

## Legislation Requiring Photographs in Electronic Pollbooks Advances with Funding Contingency Language

[SB 523 \(Obenshain\)](#) requires the Department of Elections to obtain photographs of registered voters from the Department of Motor Vehicles and make those photographs available to general registrars, who would be required to incorporate them into their electronic pollbooks. A voter’s photograph contained in the electronic pollbook could then be used in lieu of the physical photo ID that would

otherwise be required to vote. It is expected that new computer equipment will be required for some localities in order to accommodate the photographs. When the bill was heard by the [Senate Privileges and Elections Committee](#), VACo requested that the necessary funding be provided with the legislation.

The bill was referred to the [Senate Finance Committee](#), where it was reported with “the clause” – an enactment clause providing that the bill will not take effect unless it is accompanied by an appropriation in the state budget.

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

## **Bills Streamlining Local Government Processes Pass Out of Committee**

VACo supports [SB 108 \(Lucas\)](#), which provides that an order of publication for the enforcement of a lien for taxes owed on real property that has a value of \$50,000 or less need be published only once. Under current law, it is required to be published at least once a week for two successive weeks. The original bill also provided for an alternative form of and form for publication of notice of a lien for property with a value of \$10,000 or less. But an amendment put forward by the patron struck this language. This bill is helpful to localities because it streamlines the process saving both time and financial resources. The bill passed out of the [Senate Courts of Justice Committee](#), 14-1.

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

## **Bulova Stormwater Bills Unanimously Recommended for Reporting**

The [House Agriculture, Chesapeake and Natural Resources Committee’s Subcommittee #3](#) unanimously recommended [HB 377 \(Bulova\)](#) and [HB 925 \(Bulova\)](#) for reporting by a 10-0 vote. As highlighted in the [January 23 Capitol Contact](#), HB 377 eliminates the requirement to obtain a Virginia Water Protection Permit from the Department of Environmental Quality (DEQ) when modifying stormwater management facilities that was created on dry land for the purpose of conveying, treating, or storing stormwater. HB 925 makes several technical amendments to remedy recent stormwater regulatory changes.

VACo spoke in favor of Delegate David Bulova’s legislation and looks forward to supporting the bills as they now reach the full committee.

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

## VACo Opposes HB 224

VACo spoke on the floor of the [House Education Committee's Subcommittee #2](#) on January 24 in opposition to [HB 224 \(Krizek\)](#) due to significant local cost concerns. The bill instructs the Virginia Board of Education to make regulations that require each new public school bus purchased to be equipped with a seat belt consisting of a lap belt and shoulder strap or harness in every seat.

While some localities have already begun to voluntarily move in this direction, most localities have not. County respondents to the Commission on Local Government's fiscal impact analysis estimate that the cost of this measure would range from \$258,440 to \$20 million, notwithstanding new maintenance costs.

[HB 224](#) failed to report out of subcommittee on a 4-6 vote.

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

## Jail Costs Bill Defeated in Senate Finance

[As reported in an earlier Capitol Contact, SB 342 \(Peake\)](#) requires that the state fully compensate localities or regional authorities for the costs of housing state-responsible inmates in local and regional jails. The bill was reported from the [Senate Rehabilitation and Social Services Committee](#) on January 12 and referred to the [Senate Finance Committee](#) on January 24 when it was heard and passed by indefinitely due to its costs to the state. VACo spoke in support of the bill during both hearings and continues to work on the issue of state support for local and regional jails through several budget amendments.

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

## Service of Process for Actions Against a County

[SB 14 \(Petersen\)](#) changes the current law to require that only the county attorney or if there is no county attorney, the county clerk receive service for an action against a local official. Currently section 8.01-300 of the Code of Virginia requires in an action against a supervisor, county officer, employee or agent of the county board that each supervisor be served in addition to the county attorney or clerk if there is no attorney. The bill reported out of the [Senate Courts of Justice Committee](#), 14-0.

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

# Problematic Deposition Bill Gone for the Year

VACo opposed [SB 613 \(Surovell\)](#), which provides that when a local governing body is named a deponent, it shall designate at least one member of the body to serve as a deponent on its behalf. The testimony of the designee is subject to the same duties, responsibilities, and consequences of a corporate or organizational deponent as determined by the court. This bill would fly in the face of long standing legal precedent.

The bill was continued to the [Senate Courts of Justice Committee](#) in 2019 at a 15-0 vote.

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

## Governor Ralph Northam to Speak at VACo County Government Day

**February 8, 2018 | Omni Richmond Hotel**  
[Registration Form](#) | [Register Online](#)

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

Registration opens at 11 a.m. and the event kicks off with lunch at noon. Governor Ralph Northam will speak 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 Governor Northam share his vision for how we can work together to advance policies beneficial to Virginia localities. Also hear the VACo Team talk about the issues and then go speak with your representatives about your County's concerns. The VACo County Government Day event should conclude around 1-1:30 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](#)

# Key Dates for 2018 General Assembly Session

The Joint Rules Committee met on December 18 to adopt the procedural resolution that sets 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](#)