

Capitol Contact

Virginia General Assembly

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Tuesday, February 27, 2018

Chesapeake Bay Tree Replacement Bill Passes Senate, Heads Back to House

[HB 494 \(Hodges\)](#), which authorizes any locality within the Chesapeake Bay watershed to adopt an ordinance providing for the planting and replacement of trees during development processes, passed the Senate with amendments on February 23 by a 38-0 vote.

Currently, only localities with a population density of 75 person per square mile are authorized to adopt these kinds of tree planting and replacement ordinances. HB 494 expands this authorization to *any* locality in the Chesapeake Bay watershed, regardless of population density.

Previously, HB 494 was reported from the House Counties, Cities and Towns Committee and passed the full House by a unanimous vote (98-0). After crossover, the bill was referred to the Senate Local Government Committee where it was reported 13-0 before ultimately passing the full Senate. Today, HB 494 was taken back up by the House of Delegates, and the Senate amendments were accepted unanimously. The bill will now be sent to Governor's desk.

VACo has been pleased to support this bill and speak on its behalf and we are grateful to Delegate Keith Hodges for his hard work. We eagerly await Governor Ralph Northam's signature on this important piece of legislation.

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

Renewable Energy Pilot Program for Schools Heads to Senate Floor

[HB 1451 \(Sullivan\)](#), which directs Dominion Virginia Energy to conduct a renewable energy pilot program at a public school, has reported out of the Senate Commerce and Labor Committee and now will be heard by the full senate.

The bill establishes that under the pilot program, a public school that generates more electricity from a wind-powered or solar-powered generation facility than it consumes may either credit the excess electricity to one or more other schools in the school division or be paid for the excess electricity at the corresponding retail rate. The State Corporation Commission is directed to adopt by December 1, 2018, any rules and guidelines that may be necessary for the administration of such a pilot program. The pilot program shall not last more than six years.

HB 1451 previously reported (with a substitute) out of the House Commerce and Labor Committee 20-0 and passed the full House 100-0. On February 26, the bill reported out of the Senate Commerce and Labor Committee unanimously and will be introduced on the Senate floor later this week.

VACo supports this bill and looks forward to its eventual passage.

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

Support Bill Funding Court Safety

VACo supports [SB 827 \(Howell\)](#), which allows localities to increase assessments made on defendants convicted of violating a statute or ordinance from \$10 to up to \$20. Revenue from the assessment shall be used for funding courthouse security personnel and, at the request of the Sheriff, other security-related equipment and property. The bill reported out of the House Courts of Justice Committee, 16-2, and was referred to the [House Appropriations Committee](#). The bill will probably be heard, Thursday, March 1, in the [House Appropriations Committee's Public Safety Subcommittee](#).

KEY POINTS

- Increasing the cap on fees related to criminal or traffic cases helps localities fund certain security needs.
- The fee hasn't been raised in 10 years.
- The Compensation Board security staffing standard for courtroom and courthouse security is 2 deputies in circuit court, 1 deputy in general district

court, and 1 deputy in juvenile domestic relations court. For FY18, the staffing standard is underfunded by 124 court services deputies with an annualized cost of \$4,305,634 across localities.

KEY CONTACTS

[House Appropriations Committee's Public Safety Subcommittee:](#)
[Knight \(Chairman\), Peace, Garrett, Rush, Head, McQuinn, Tyler, Krizek, Jones, S.C.](#)

VACo Contact: [Khaki LaRiviere](#)

General Laws Bills of Interest

[SB 391 \(Barker\)](#) creates a statewide standard for installation and maintenance of smoke and carbon monoxide alarms in rental property. Localities that have enacted ordinances must conform their ordinances by July 1, 2019. These were Housing Commission recommendations. [HB 609 \(Carr\)](#) is the companion bill, and both bills have passed.

[SB 529 \(Mason\)](#) removes the requirement for an affidavit supporting a building permit applicant's statement that he is not subject to licensure or certification as a contractor or subcontractor. Only a written statement is required. [HB 164 \(Yancey\)](#) is the companion bill and both bill have passed.

[SB 921 \(Ebbin\)](#) applies only to single family residential dwelling engineering and construction plans and drawings submitted for the purpose of complying with the Uniform Statewide Building Code and the Statewide Fire Prevention Code. The bill has the effect of making these submissions non-confidential but retain the current exemption from the Freedom of Information Act. [HB 683 \(Pogge\)](#) is the companion bill, and both bills have passed.

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

Solar Tax Exemption Bill Heads to the House Floor

[SB 902 \(Lucas\)](#) reported out of the House Finance Committee on February 26 by a vote of 18-3. As initially described in VACo's [January 23 Capitol Contact](#), the bill makes it a local option to provide certain local tax exemptions for solar facilities of a certain size.

Under current law, solar facilities greater than 20 MW in generation capacity are provided a mandatory 80 percent exemption from local property tax. SB 902 removes this mandate and instead allows localities, at their discretion, to provide a tax incentive for installations up to 150 MW. The bill originally capped the maximum facility size at 100 MW, but this was later amended.

SB 902 reported out of the Senate Finance Committee 13-0-1 and was passed by the full Senate on January 29 by a vote of 33-6-1. The bill now heads to the House floor where it will be heard later this week.

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

Update on Drone Bills

VACo supports [SB 186 \(Black\)](#), which authorizes localities to use unmanned systems, without the requirement of a search warrant, for purposes other than law-enforcement. Such activities include damage assessment, traffic assessment, flood stage assessment, and wildfire assessment. Drones may also be used for private, commercial, or recreational use or for the sole purpose of research and development for institutions of higher education and other research organizations or institutions. Current law only allows state departments, agencies, or entities with jurisdiction over criminal law-enforcement or regulatory violations to utilize drones in this way. The bill unanimously reported out of the Senate and the [House Courts of Justice Committee](#).

VACo also supports [HB 1482 \(Thomas\)](#) and [SB 508 \(Carrico\)](#). Both bills extend the use of a drone for the purpose of: 1) surveying and recording the scene of an accident for crash reconstruction by photographic or video images; and 2) allowing the Department of Transportation to provide assistance to law-enforcement officers preparing the accident report. The House rejected the Senate substitute unanimously, and the Senate requested the bill go into conference. The conference committee members are Delegate Bob Thomas, Delegate R.B. Bell, and Delegate Michael Mullin. The Senate version reported out of House Courts of Justice Committee with a substitute, 18-0. The bill will also likely go to conference at the request of the House.

VACo Contact: [Khaki LaRiviere](#)

Electric Vehicle Charging Bill Reports to Senate

Delegate David Bulova's fee-based electric vehicle charging bill successfully reported out of the Senate Commerce and Labor Committee on February 26 and will now be taken up by the full Senate.

[HB 922 \(Bulova\)](#) and its Senate companion bill, [SB 908 \(McClellan\)](#), enable localities, public institutions of higher education, and the Department of Conservation and Recreation (DCR) to install fee-based charging stations on any property they own or lease. Additionally, these bills exempt these entities from being considered a “public utility” solely because of the sale of electric vehicle charging service or the ownership or operation of an electric vehicle charging station and exempts such service from constituting the retail sale of electricity. Finally, the bills allow localities, at their discretion, to restrict the use of these charging stations to local government employees and/or authorized visitors.

VACo has been pleased to support and work with Delegate Bulova and Senator Jennifer McClellan throughout session on this important legislation. HB 922 previously passed the House 100-0 and was reported to the Senate by a vote of 14-0. Senator McClellan’s companion bill has already passed both chambers unanimously.

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

Procurement Bills Move Forward

[SB 652 \(McPike\)](#) originally would have established Board of Purchases of Services from People with Disabilities. It was amended to require the Secretary of Administration to convene a work group to make recommendations regarding modifications to state procurement policies to incentivize the competitive integrated employment of individuals with significant disabilities, rather than establish a Board. There will be 17 people on the work group including one representative from both VACo and VML with a report due by July 1, 2019. This bill is being considered by House General Laws Committee this week.

[SB 688 \(Ruff\)](#) allows the use of cooperative procurement for stream restoration and stormwater management projects as well as all associated and necessary construction and maintenance. [HB 574 \(Hodges\)](#) is the companion bill, and both bills have passed.

[HB 97 \(J. Bell\)](#) increases the small purchase limit for professional services from \$60,000 to \$80,000 and increases the annual term limit on A/E contracts from \$500,000 to \$750,000. This bill has been reported out of the Senate General Laws and Technology Committee.

[HB 375 \(Davis\)](#) prohibits local governing bodies from establishing provisions related to procurement of goods, professional services, or construction that would require a wage floor or any other employee benefit or compensation above what is otherwise required by state or federal law to be provided by a contractor to one or more of the contractor's employees as part of a contract with the

locality. This bill reported out of the Senate General Laws and Technology Committee on a close 8-7 vote.

[HB 760 \(Landes\)](#) requires a public body to accomplish procurement by obtaining written informal solicitation of a minimum of three bidders or offerors if practicable and including a written statement regarding the basis for awarding the contract when purchasing Virginia-grown food products under the current exemption from the Virginia Public Procurement Act for the purchase of Virginia-grown food products for use by a public body where the annual cost of the product is not expected to exceed \$100,000. This bill has been reported out of Senate General Laws and Technology Committee and sent to the [Senate Finance Committee](#).

VACo Contact: [Phyllis Errico, Esq., 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:

- **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](#)