

Capitol Contact

Virginia General Assembly

Virginia Association of Counties • 1207 E. Main Street, Suite 300 • Richmond, VA 23219
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Thursday, January 30, 2020

Oppose unfunded and mandated collective bargaining for public employees

[HB 582 \(Guzman\)](#) and [SB 1022 \(Boysko\)](#) repeal the existing prohibition on collective bargaining by public employees and create the Public Employee Relations Board (PERB), which would be responsible for determining eligible bargaining units of employees, certifying the election of their representatives, and mediation of labor disputes.

The [Code of Virginia](#) currently prohibits collective bargaining for public employees in Virginia but does allow them to form associations to promote their interests. These bills mandate that public employers are required to engage in collective bargaining.

Action Required – Contact your [House](#) and [Senate](#) Members today to oppose [HB 582](#) and [SB 1022](#).

KEY POINTS

- The bills would allow unionization of public employees with only 30% of employees participating. Should 30% of employees in a county decide to unionize, all employees would be mandated into collective bargaining.
- The bills mandate Counties to provide for meetings between the bargaining representatives and employees during the workday.
- These bills may require local employees and county representatives to travel to Richmond for disputes that fall under the responsibility of the Public Employee Relations Board, a board that has no local representation or county expertise.

- Passage of the bills will require Counties to spend valuable resources in time and money on labor attorneys and other experts to represent the interests of each locality.

[HB 582](#) was reported from the House Appropriations Committee on January 29, and now advances to the full House. VACo staff spoke in opposition.

[SB 1022](#) has been referred to the Senate Commerce and Labor Committee and could be heard as early as Monday, February 3.

Contact your legislator now to oppose HB 582 and SB 1022.

KEY CONTACTS

[Senate Commerce and Labor Committee:](#) [Saslaw \(Chair\)](#), [Norment](#), [Newman](#), [Obenshain](#), [Lucas](#), [Spruill](#), [Edwards](#), [Deeds](#), [Barker](#), [Marsden](#), [Ebbin](#), [Lewis](#), [Surovell](#), [Mason](#), [Bell](#)

[Senate Commerce and Labor Committee](#) – Email entire committee

[Senate Finance and Appropriations Committee:](#) [Howell \(Chair\)](#), [Saslaw](#), [Norment](#), [Hanger](#), [Lucas](#), [Newman](#), [Ruff](#), [Vogel](#), [Barker](#), [Edwards](#), [Deeds](#), [Locke](#), [Petersen](#), [Marsden](#), [Ebbin](#), [McClellan](#)

[Senate Finance and Appropriations Committee](#) – Email entire committee

[House of Delegates](#) | [Senate of Virginia](#) | [Email Patrons](#)

VACo Contacts: [Jeremy R. Bennett](#) and [Phyllis Errico, Esq.](#)

VACo opposes extending state-mandated exemption from local taxes for large solar projects

[HB 1131 \(Jones\)](#) and [SB 762 \(Barker\)](#), if adopted, would extend a state mandate to exempt utility-scale solar projects from local tax to 2030 (currently set to expire in 2024). HB 1131 will be heard in the [House Finance Committee's Subcommittee #2](#) on Monday February 3 at 8 a.m. in room 400-C of the Pocahontas building. SB 762 has been assigned to the [Senate Finance and Appropriations Committee](#) and will be heard sometime next week.

Action Required – Contact [Senate Finance and Appropriations Committee](#) Members today to oppose [SB 762](#) AND contact the [House Finance Committee’s Subcommittee #2](#) Members to oppose [HB 1131](#).

In 2016, the state mandated an 80 percent exemption from local Machinery and Tool Tax (M&T) for solar projects greater than 5 megawatts (MW) in energy capacity. Legislators, recognizing the impact this could have on local revenues and wary of providing the tax subsidy in perpetuity, set an expiration date for the exemption. Specifically, for projects greater than 20 MW the mandatory exemption expires for any project that has not begun construction by January 1, 2024. Four years in advance of the expiration, the utility-scale solar construction industry wants to extend this exemption an additional six years.

VACo supports returning the authority to counties to determine local tax incentives for utility-scale solar installations and opposes any expansion or extension of the state-mandated tax exemption on local property taxes for solar equipment. Successful legislation supported by VACo in 2018 returned this authority to Counties for projects 150 MW or larger in capacity in advance of the 2024 expiration date.

KEY POINTS

- Many Counties are concerned about the loss of valuable farm and forest land, critical to local economies. Solar facilities generating greater than 20 MW and less than 150 MW in generating capacity can occupy anywhere from several hundred acres to more than two square miles and are in effect largescale power plants with oversized footprints.
- HB 1131 and SB 762 extend a state-mandated exemption from local tax. This extension of a mandated subsidy from local revenues will result in significant loss of future revenues that would otherwise be utilized to fund state-mandated services such as education, public safety, and human services.

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

Virginia Food Access Investment Fund moves forward

Delegate Delores McQuinn’s Virginia Food Access Investment Fund (VFAIF) cleared its first hurdle Wednesday evening, surviving the Agriculture Subcommittee of the House Agriculture, Chesapeake, and Natural Resources Committee.

[HB 1509 \(McQuinn\)](#) creates the Virginia Food Access Investment Program and Fund to provide funding for the construction, rehabilitation, equipment upgrades, or expansion of grocery stores, small food retailers, and innovative food retail projects in underserved communities. The effort is a refreshed and revamped form of a bill Delegate McQuinn has carried numerous times the last several years seeking to create the Virginia Grocery Investment Fund (VGIF). While the VGIF sought exclusively to provide funding for public-private partnerships that would aid in opening and expanding grocery stores in underserved communities (so-called “food deserts”), the VFAIF has *two* components, one focusing on infrastructure and one focusing on nutrition efforts.

Through a selected Community Development Financial Institution (CDFI), the VFAIF will provide funding for the construction, rehabilitation, equipment upgrades, and/or expansion of grocery stores, small food retailers, and innovative small food retail projects in underserved communities.

On the nutrition incentive side, the Virginia Department of Agriculture and Consumer Services (VDACS) will partner with public and private sector partners to increase the number of Supplemental Nutrition Assistance Program (SNAP) retailers who participate in the Virginia Fresh Match Incentive Program. The Incentive Program provides SNAP recipients with a \$1 to \$1 match for nutritious fruits and vegetables.

HB 1509 reported out of subcommittee by a vote of 7-1 and will now be referred to the House Appropriations Committee. The bill’s senate counterpart, [SB 1073 \(McClellan\)](#), will be heard today in the Senate Finance and Appropriations Committee.

VACo was pleased to speak on behalf of HB 1509 and will continue to support the VFAIF in future hearings.

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

Bill raising minimum wage advances

On January 27, [SB 7 \(Saslaw\)](#) advanced from the Senate Commerce and Labor Committee on a 12-3 vote. This bill would incrementally raise the minimum wage from the current federally mandated rate of \$7.25 per hour to \$15 per hour for eligible employees by July 1, 2025. The bill specifically includes state and local governments, as well as home care providers.

SB 7 is part of a multiyear [effort](#) to raise minimum wages for Virginia employees. [SB 73 \(Locke\)](#), [SB 81 \(Marsden\)](#), and [SB 816 \(Morrissey\)](#) were incorporated into SB 7. The first incremental increase would take effect on July 1, 2020, at the rate of \$9.75 per hour.

The committee voted to amend the original bill on several points. Starting on July 1, 2023, if an employer offers health benefits to an employee, the minimum wage for that position shall remain at \$11.75 per hour. A training wage not less than 75 percent of the minimum wage may be paid to an employee in a training program for the first 320 hours of employment with other conditions. The Virginia Economic Development Partnership (VEDP) is also tasked in the bill with evaluating the potential impact or consequences of instituting a regional minimum wage in the Commonwealth and report to the General Assembly and Governor no later than the first day of the 2021 General Assembly.

SB 7 was reported and referred to Senate Finance and Appropriations Committee. Similar compensation legislation will likely be heard in the House Labor and Commerce Committee on January 30. VACo will continue to monitor and report on minimum wage bills as they advance through the General Assembly.

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

Comprehensive harm reduction bills advance

Legislation enacted in 2017 authorized the Commissioner of Health to establish local or regional comprehensive harm reduction programs during a declared public health emergency. These programs aim to reduce the spread of blood-borne diseases and to provide information to individuals struggling with addiction about recovery services, and allow for the provision of sterile hypodermic needles and syringes. Under the 2017 statutory authorization, the Virginia Department of Health is charged with establishing criteria under which these programs operate, which include the support of the local governing body and local law enforcement. The 2017 legislation included a sunset clause under which the authorization for the program would expire July 1, 2020. Two companion bills have been introduced that make no changes to the program, but remove the sunset clause – [HB 378 \(Rasoul\)](#), which has passed the House, and [SB 864 \(Pillion\)](#), which is heading to the Senate floor.

[HB 791 \(Plum\)](#), as introduced, would allow organizations that promote evidence-based methods of reducing health risks to establish comprehensive harm reduction programs, and would remove the requirement for support of the local governing body to be among the criteria in establishing these programs. VACo unsuccessfully proposed an amendment to provide that operation of such a program would be subject to the approval of the local governing body and that such a program would be required to comply with local zoning and building codes. Amendments were adopted in subcommittee that appear to provide for approval of a comprehensive harm reduction program by the Commissioner or his or her designee, which would improve the bill; the House Health, Welfare,

and Institutions Committee opted on January 30 to delay consideration for further consideration of the amendments. The patron has indicated a willingness to amend the bill further to provide for notice to the local governing body.

VACo Contact: [Katie Boyle](#)

“Forever Chemical” bills head to House floor

Two bills seeking to study and address certain chemical contaminants in Virginia’s drinking water have been reported out the House Health, Welfare and Institutions Committee and will be heard on the floor of the House of Delegates. Both bills attempt to focus on the growing concern over the threats of PFAS chemicals, which is the colloquial term for per- and polyfluoroalkyl substances. These substances, also nicknamed “forever chemicals,” have earned more attention lately, as there is growing concern over their links to various medical ailments.

[HB 586 \(Guzman\)](#) directs the Commissioner of Health to convene a work group to study the occurrence of perfluorooctanoic acid (PFOA), perfluorooctane sulfonate (PFOS), and other perfluoroalkyl and polyfluoroalkyl substances (PFAS) in the Commonwealth’s public drinking water and to develop recommendations for specific maximum contaminant levels for PFOA, PFOS, and other PFAS for inclusion in regulations of the Board of Health applicable to waterworks. In subcommittee, HB 586 was amended several times. First, it was amended to include several additional chemical compounds to study to ensure the most comprehensive look at this topic possible. Second, amendments were made to clarify that the Board of Health *may* develop regulations as necessary, not *shall*, opening the door to allow for a report that does not recommend regulations. And finally, the due date of the report was moved from December 1, 2020 to December 1, 2021.

VACo supports [HB 586 \(Guzman\)](#), which reported out of Committee to the full House by a unanimous vote (22-0).

The second bill, [HB 1257 \(Rasoul\)](#), directs the State Board of Health to adopt regulations establishing maximum contaminant levels in public drinking water systems for (i) PFOS, PFOA, and other PFAS compounds deemed necessary; (ii) chromium-6; and (iii) 1,4-dioxane. The bill requires such MCLs to be protective of public health, including the health of vulnerable subpopulations, and to be no higher than any MCL or health advisory adopted by the U.S. Environmental Protection Agency for the same contaminant. The bill directs the Board to consider certain studies in adopting such MCLs and to consider establishing other MCLs any time two or more other states set limits or issue guidance on a given contaminant.

HB 1257 has encountered more issues than HB 586, primarily given that it attempted to require – not permit as necessary – the Board to establish MCLs, regardless of any state findings about them. As such, HB 1257 has been altered several times, ultimately resulting in amendments that delay its enactment until January 1, 2022 and including new language that stipulates that MCLs will only be enacted as deemed necessary. HB 1257 narrowly reported from the Committee by a 13-9 vote.

Both pieces of legislation will now be heard on the House floor next week.

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

Epinephrine mandate removed; bill now permissive

[HB 1147 \(Keam\)](#), as introduced, would require “every public place” to make epinephrine available for administration, and would authorize any employee of a public place who is authorized by a prescriber and trained in the administration of epinephrine to possess the drug and administer it to someone who is believed to be experiencing an anaphylactic reaction. The bill provides liability protections for the employee who administers or assists in the administration of the epinephrine.

VACo expressed concerns about the breadth of the mandate to provide epinephrine, as the statutory definition of a “public place” encompasses any building owned or leased by any locality. Requiring epinephrine to be available in any building owned or leased by a county could result in significant costs to the locality to stock and periodically replenish the medication. The bill was amended in subcommittee, with the support of the patron, to authorize the provision of epinephrine rather than mandating it.

VACo Contact: [Katie Boyle](#)

No need for the chopping block; tree preservation study bill passes House

[HB 520 \(Bulova\)](#), which directs the Department of Environmental Quality (DEQ) to convene a stakeholder advisory group for the purpose of studying the planting or preservation of trees as a land cover type and as a stormwater best management practice (BMP), passed the full House of Delegates by a sweeping 82-17 vote.

HB 520 was the result of several months of stakeholder conversations and negotiations between VACo, the Home Builders Association of Virginia (HBAV), VML, and Arlington County about urban forestry and ways local governments could embrace tree preservation or replanting as a potential stormwater BMP and help meet the goals of the Chesapeake Bay Phase III Watershed Implementation Plan (WIP).

VACo was pleased to testify on behalf of HB 520 as it made its way through the House and will continue to support this important legislation in the Senate. HB 520 will now be referred to the Senate Agriculture, Conservation and Natural Resources Committee.

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

Bill requiring additional reporting for discharges of deleterious substances into state waters trickles out of Committee

A bill stipulating new reporting requirements for the discharge of deleterious substance into state waters cleared the House Agriculture, Chesapeake and Natural Resources Committee on Wednesday morning.

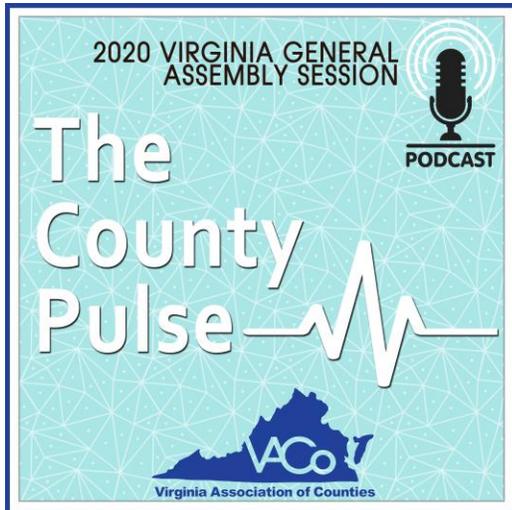
[HB 1205 \(Tran\)](#) requires that the Department of Environmental Quality (DEQ) shall provide to the Virginia Department of Health (VDH) and local newspapers, television stations, and radio stations, and shall report via official social media accounts and email notification lists, any information pertaining to the discharge of deleterious substances (chemicals, oils, sewage, etc.) into state waters, unless the DEQ determines that the discharge will have a de minimis impact. Current law only requires that the DEQ provide this information to the local newspapers.

As originally introduced, HB 1205 was troubling, as it narrowed the reporting window from 24 hours to 8 hours. Due to concerns over the feasibility of such reporting, however, this was later amended first to 12 hours and then again back to 24 hours.

As amended, HB 1205 first passed out of subcommittee, 5-3, and then passed out of the full committee by a vote of 14-8. The bill will now be heard and debated by the full House of Delegates.

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

General Assembly Legislative Briefs 2 | Episode 2 | Delegate Terry Kilgore



[Listen to the Podcast](#)

VACo Executive Director Dean Lynch welcomed Delegate Terry Kilgore to the County Pulse Podcast to talk about the 2020 General Assembly Session. The two Scott County natives discussed Equal Taxing Fairness, budget amendments, legislation submitted by Delegate Kilgore, opportunities in Southwest Virginia, and much more.

Key Dates for 2020 General Assembly Session

The House and Senate adopted the procedural resolution governing the schedule for the 2020 General Assembly session on January 10, 2020. Key dates for the 2020 Session are as follows:

- **January 8:** General Assembly convened at noon. Bills that were “prefiled” were due to be submitted by 10 a.m. Bills affecting the Virginia Retirement System or creating or continuing a study were required to be filed before adjournment of their respective chambers of introduction.
- **January 10:** Deadline for submission of budget amendments by 5 p.m.
- **January 17:** Deadline for remaining bills to be filed at 3 p.m. (there are some exceptions, such as when legislation is granted unanimous consent to be introduced after the deadline).

- **February 11:** “Crossover” deadline for each chamber to complete work on legislation originating in that chamber (except for the budget bill)
- **February 16:** House Appropriations and Senate Finance and Appropriations Committees report their respective budgets by midnight.
- **February 20:** Deadline for each chamber to complete work on its budget.
- **February 26:** Deadline for each chamber to complete work on the other chamber’s budget and appoint budget conferees; also the deadline for each chamber to act on revenue bills from the other chamber and appoint conferees.
- **March 2:** Deadline for committee action on bills at midnight.
- **March 7:** Scheduled adjournment *sine die*.
- **April 22:** Reconvened session to consider gubernatorial amendments and vetoes.

VACo Contact: [Katie Boyle](#)

Advocate for your locality at the VACo Local Government Day | In Partnership with VML and VAPDC



February 6, 2020 | Omni Richmond Hotel

100 S 12th Street | Richmond, VA 23219

[Registration Form](#) | [Register Online](#) | [Omni Room Reservation Form](#)

Join us at the VACo/VML/VAPDC Local Government Day on Thursday, February 6! This is our day to advocate for localities at the 2020 General Assembly Session.

The event kicks off at noon. Governor Ralph Northam is confirmed to speak. In addition, VACo and VML staff will provide legislative reports on the major issues facing

Localities in the 2020 General Assembly Session. Attendees will spend the afternoon meeting and advocating their General Assembly representatives. There's a reception for VACo members and state legislators at 530pm.

- 930am** VACo Board of Directors' Meeting
- 11am** Registration
- 1130am** Box Lunch
- Noon** Governor Ralph Northam | VACo and VML Staff Reports
- Afternoon** Visit Capitol and Lobby Legislators
- 530pm** 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 [2020 Legislative Program](#). We will distribute the Local Government Day Bulletin at the event.

Local leaders will have the opportunity to advocate on behalf of localities throughout the day and network and share information at a reception in the evening. Be a part of the legislative process at the 2020 General Assembly Session.

Register for the event at [VACo Local Government Day Online](#) or fax the [Registration Form](#) to 804.788.0083. Also, here's how you can book a room at the [Omni Richmond Hotel](#).

VACo Contact: [Valerie Russell](#)