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HOUSE BILL NO. 443

Offered January 12, 2022

Prefiled January 11, 2022

A BILL to amend and reenact §§ 15.2-5704, 15.2-5705, 56-1.2:1, and 56-232.2:1 of the Code of Virginia, relating to park authorities; electric vehicle charging stations.

Patrons—Bulova, Keam, Plum and Simon

Referred to Committee on Commerce and Energy

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-5704, 15.2-5705, 56-1.2:1, and 56-232.2:1 of the Code of Virginia are amended and reenacted as follows:

§ 15.2-5704. Powers of authority.

Each authority shall be deemed to be performing essential governmental functions providing for the public health and welfare, and is authorized and empowered:

1. To have existence for such term of years as specified by the participating localities;
2. To adopt bylaws for the regulation of its affairs and the conduct of its business;
3. To adopt an official seal and alter the same at pleasure;
4. To maintain an office at such place or places as it may designate;
5. To sue and be sued;

6. To acquire, purchase, lease as lessee, construct, reconstruct, improve, extend, operate and maintain parks within, or partly within and partly outside, one or more of the participating localities; to acquire by gift, purchase or the exercise of the right of eminent domain lands or rights in land or water rights in connection therewith; and to sell, lease as lessor, transfer or dispose of any property or interest therein acquired by it; however, the power of eminent domain shall not extend beyond the geographical limits of the localities composing the authority;

7. To regulate the uses of all lands and facilities under control of the authority;

8. *To locate and operate a retail fee-based electric vehicle charging station on property under the jurisdiction of the authority; to provide that the use of such station is restricted to the employees of the locality, authority, and authorized visitors; and to install signage that provides notice of such restriction.*

9. *To issue revenue bonds and revenue refunding bonds of the authority, such bonds to be payable solely from revenues derived from the use of the facilities or the furnishing of park services;*

10. *To accept grants and gifts from the localities forming or thereafter joining the authority, the Commonwealth, the federal government or any other governmental bodies or political subdivisions, and from any other person;*

11. *To enter into contracts with the federal government, the Commonwealth, any political subdivision, or any agency or instrumentality thereof, or with any other person providing for or relating to the furnishing of park services or facilities;*

12. *To contract with any municipality, county, person or any public authority or political subdivision of this or any adjoining state, on such terms as the authority shall deem proper, for the construction, operation and maintenance of any park which is partly in this Commonwealth and partly in such adjoining state;*

13. *To exercise the same rights for acquiring property for the construction or improvement, maintenance or operation of a park as the locality or localities by which such authority is created may exercise. The governing body of any participating locality, notwithstanding any contrary provision of law, general or special, is authorized and empowered to transfer jurisdiction over, to lease, lend, grant or convey to the authority, upon the request of the authority, upon such terms and conditions as the governing body of such locality may agree with the authority as reasonable and fair, real or personal property as may be necessary or desirable in connection with the acquisition, construction, improvement, operation or maintenance of a park, including public roads and other property already devoted to public use. Agreements may be entered into by the authority with the Commonwealth, or any agency acting on behalf of the Commonwealth, for the acquisition of any lands or property, owned or controlled by the Commonwealth, for the purposes of construction or improvement, maintenance or operation of a park;*

14. *In the event of annexation by a municipality not a member of the authority of lands, areas, or territory served by the authority, then such authority may continue to do business, exercise its jurisdiction over properties and facilities in and upon or over such lands, areas or territory as long as any bonds or indebtedness remain outstanding or unpaid, or any contracts or other obligations remain in force;*

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59 14. 15. To make and enter into all contracts and agreements necessary or incidental to the
60 performance of its duties and the execution of its powers under this chapter, including a trust agreement
61 or trust agreements securing any revenue bonds or revenue refunding bonds issued hereunder;

62 15. 16. To do all acts and things necessary or convenient to carry out the powers granted by this
63 chapter;

64 16. 17. To borrow, at such rates of interest as the law authorizes, from the federal government or any
65 agency thereof, individuals, partnerships, or private or municipal corporations, for the purpose of
66 acquiring parklands and improvements thereon; to issue its notes, bonds or other obligations; to secure
67 such obligations by mortgage or pledge of the property and improvements being acquired and the
68 income derived therefrom; and to use any revenues and other income of the authority for payment of
69 interest and retirement of principal of such obligations provided that prior approval of the governing
70 body of the locality shall be obtained by an authority that was created by a single locality. Any locality
71 which has formed or joined an authority may lend money to the authority. The power to borrow set
72 forth in this subdivision shall be in addition to the power to issue revenue bonds and revenue refunding
73 bonds set forth in subdivision 8 of this section 9 and § 15.2-5712. Notes, bonds or other obligations
74 issued under this subdivision shall not be deemed to constitute a debt of the Commonwealth or of any
75 political subdivision of the Commonwealth or a pledge of the faith and credit of the Commonwealth or
76 of any political subdivision of the Commonwealth; and

77 17. 18. To adopt such rules and regulations from time to time, not in conflict with the laws of this
78 Commonwealth, concerning the use of properties under its control as will tend to the protection of such
79 property and the public thereon. No such rule or regulation shall be adopted until after descriptive notice
80 of an intention to propose such rule or regulation for passage has been published in accordance with the
81 procedures required for the adoption of general county ordinances and emergency county ordinances as
82 set forth in § 15.2-1427, mutatis mutandis. The full text of any proposed rule or regulation shall be
83 available for public inspection and copying during regular office hours of the authority at a place
84 designated in the published notice.

85 **§ 15.2-5705. Violation of rules and regulations.**

86 Any violation of any such rule and regulation adopted pursuant to subdivision 17 18 of § 15.2-5704
87 shall constitute a Class 4 misdemeanor.

88 **§ 56-1.2:1. Retail sale of electricity in connection with the provision of electric vehicle charging**
89 **service.**

90 A. The provision of electric vehicle charging service by a person, locality, *park authority created by*
91 *a locality pursuant to § 15.2-5702*, school board, or any agency as defined in § 2.2-128 that is not a
92 public utility, public service corporation, or public service company shall not constitute the retail sale of
93 electricity if:

94 1. The electricity furnished in connection with the provision of electric vehicle charging service is
95 used solely for transportation purposes; and

96 2. The person, locality, *park authority created by a locality pursuant to § 15.2-5702*, school board, or
97 agency as defined in § 2.2-128 providing the electric vehicle charging service has procured the furnished
98 electricity from the public utility that is authorized by the Commission to engage in the retail sale of
99 electricity within the exclusive service territory in which the electric vehicle charging service is
100 provided.

101 B. The provision of electric vehicle charging service shall:

102 1. Be a permitted electric utility activity of a certificated electric utility; and

103 2. Not affect the status as a public utility of a certificated public utility that provides such service.

104 **§ 56-232.2:1. Regulation of electric vehicle charging service.**

105 The Commission shall not regulate or prescribe the rates, charges, and fees for the provision of retail
106 electric vehicle charging service provided by any agency as defined in § 2.2-128, persons, localities,
107 *park authority created by a locality pursuant to § 15.2-5702*, or school boards other than public service
108 corporations. Sales of electricity by public utilities to an agency as defined in § 2.2-128, a person, a
109 locality, *park authority created by a locality pursuant to § 15.2-5702*, or a school board that (i) is not a
110 public service corporation and (ii) provides electric vehicle charging service shall continue to be
111 regulated by the Commission to the same extent as are other services provided by public utilities. The
112 Commission may adopt regulations implementing this section.