

Capitol Contact

Virginia General Assembly

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Tuesday, February 16, 2016

Comprehensive stormwater bills pass

[HB 1250 \(Wilt\)](#) and [SB 673 \(Hanger\)](#) have passed in the chambers where the bills were introduced. These are companion measures that integrate components of Virginia's four statutes that govern the state's stormwater management program – the State Water Control Law, the Virginia Stormwater Act, Virginia's Erosion and Sediment Control Law, and the Chesapeake Bay Preservation Act.

HB 1250 and SB 673 resulted from deliberations that took place over the past 10 months by a 22-member Stakeholder Advisory Group (SAG) convened by the Department of Environmental Quality (DEQ). Initially, VACo opposed HB 1250 / SB 673 because of their failure to address a problem affecting “opt out” localities that has become known as the “donut hole,” which (due to unintended consequences of legislation passed in 2014) requires localities subject to the Chesapeake Bay Preservation Act to undertake stormwater functions for land disturbances between 2,500 square feet and an acre and between 10,000 square feet and one acre for all other opt out localities.

The patrons of the legislation, DEQ and other parties agreed to convene a reconstituted SAG that will be chaired by Delegate Keith Hodges. The new SAG will meet over the next year, with one of its chief purposes being a renewed focus on the “donut hole” problem for all opt-out localities throughout the state. The reconvened SAG is expected to make legislative recommendations to the 2017 General Assembly. With a delayed enactment date of July 1, 2017, the new SAG will have an opportunity to consider and recommend amendments to HB 1250 / SB 673 before provisions of these bills actually go into effect.

VACo Contact: [Larry Land, CAE](#)

Bill to address stormwater ‘donut hole’ tabled

[HB 1340 \(Hodges\)](#) was intended to address the “donut hole” problem in localities subject to the Chesapeake Bay Preservation Act by requiring the Department of

Environmental Quality (DEQ) to assume responsibility for managing stormwater related functions for land-disturbing activities between 2,500 square feet and one acre. VACo supported this measure. On February 10, the [Commerce, Agriculture, Natural Resources and Technology Subcommittee](#) of the House Appropriations Committee voted to table the measure. HB 1340 generated a fiscal impact statement estimating that the DEQ would incur an annual cost of \$380,000 if the bill were to pass. A work group will focus on the “donut hole” issue over the next year.

VACo Contact: [Larry Land, CAE](#)

Stormwater waiver bill passes

[SB 468 \(Wagner\)](#) unanimously passed the Senate. As amended, SB 468 allows localities imposing stormwater utility fees to establish public-private partnership programs with financial incentives to reward property owners for undertaking programs on their own to effectively manage and treat stormwater. Senator Frank Wagner also inserted an amendment into the bill requiring localities to exempt from stormwater utility fees “land owned by a railroad and located within it right-of-way.” As introduced, SB 468 would have required local governments with stormwater utility fees to waive charges to property owners who are able to permanently retain stormwater on site.

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Bill protecting trade secrets of fracking chemicals withdrawn

[SB 706 \(Chafin\)](#) was withdrawn by the patron for any further consideration during the current legislative session. SB 706 would have amended the Freedom of Information Act (FOIA) by excluding as trade secrets the types of chemicals that may be used in the process of hydraulic fracturing (or fracking). Its House companion measure, [HB 1389 \(Robinson\)](#), was carried over to the 2017 legislative session. **VACo opposed these bills.**

VACo Contact: [Larry Land, CAE](#)

Workforce training bills supported by VACo advance

[HB 66 \(Byron\)](#) establishes a program that would award grants to certain individuals who complete eight hours of community service and who

subsequently complete a noncredit workforce training program and earn the related credential in a high-demand field. The grant, in an aggregate amount of \$2,000, would be limited to payment of tuition charged for the training program, the cost of any required textbooks, and the cost of any examination required to earn the credential. **VACo supported this measure.**

Also, [SB 336 \(Miller\)](#) and [HB 895 \(Greason\)](#) are companion bills that require the Board of Education, in establishing high school graduation requirements, to include components relating to career and technical training. SB 336 unanimously passed in the Senate. HB 895 is pending a vote by the full House where passage appears likely. **VACo supported these measures.**

VACo Contact: [Larry Land, CAE](#)

Senate rejects charter school constitutional initiatives while House narrowly approves them

[SJR 6 \(Obenshain\)](#) was defeated in the Senate on a [21-19 vote](#). This measure would have granted the Board of Education authority, subject to criteria and conditions prescribed by the General Assembly, to establish charter schools within the school divisions of the Commonwealth. Its House companion, [HJR 1 \(Robert Bell\)](#), passed the House on a [52-47 vote](#).

[SJR 93 \(Obenshain\)](#) was defeated in the Senate on a 20-20 vote. This resolution authorizes a referendum at the November 8, 2016, election to approve or reject an amendment to grant the Board of Education the authority to establish charter schools within the school divisions of the Commonwealth, subject to any criteria or conditions that the General Assembly may prescribe. The closest House companion measure, [HB 3 \(Robert Bell\)](#), passed the House on a [50-48 vote](#).

Two related bills, [HB 565 \(Lingamfelter\)](#) and [SB 734 \(Obenshain\)](#), change several provisions relating to the establishment and operation of charter schools. Last week both bills were significantly amended to include language allowing for the state Board of Education to overrule a decision by a local school board to deny the application for a charter school. This provision cannot go into effect unless Virginia's Constitution is amended in a way that would permit a state-level veto of a local decision. In the [Education Innovation Subcommittee](#) of the House Education Committee, **VACo spoke against the amended version of the legislation.** SB 734 passed the Senate on a [21-19 vote](#), but HB 565 was defeated in the House by a [53-46 vote](#).

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