

Capitol Contact

Virginia General Assembly

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Thursday, February 2, 2023

Bill Creating a New Exemption from Stormwater Regulations for Harvesting of Trees Passes House Subcommittee

Under current code, the clearing of land for the harvesting of forest products is exempt from applying to comply with the provisions of the Virginia Stormwater Management Program (VSMP) law so long as the land is “reforested artificially or naturally” or “converted to bona fide agricultural or improved pasture.”

[HB 2282 \(Edmunds\)](#) as [amended](#) would allow for the clearing of “... lands for the harvesting of forest crops when the areas on which harvesting occurs *is not intended to be reforested artificially or naturally ... or converted to bona fide agricultural or improved pasture ... provided that the land-disturbing activity is the minimum land disturbance necessary, including clearing, grading, excavating, or removal of stumps, for the harvesting of timber and the construction of roads and trails for forest management purposes.*”

The [amended bill](#) passed in House Agriculture, Chesapeake and Natural Resources Committee by a [vote of 13 to 8](#) and is headed to the House floor consideration.

VACo asks counties to review this proposed exemption and provide any feedback on how this impacts administration and enforcement of local land disturbing activities.

VACo Contact: [James Hutzler](#)

VACo School Construction Financing Bill Tabled Without Public Testimony

In the early dawn light of January 27, and without taking public testimony, the [members](#) of House Finance Subcommittee #3 voted 5-3 to lay [HB 2316 \(Bourne\)](#) on the table, effectively ending the chances for the bill's passage. As previously [reported](#), this bill would permit any county or city to impose an additional local sales and use tax of up to 1 percent, if initiated by a resolution of the local governing body and approved by voters at a local referendum. The revenues of such a local tax would be used solely for capital projects for the construction or renovation of schools. Any tax imposed shall expire when the costs for capital projects are to be repaid and shall not be more than 20 years after the date of the resolution passed.

Currently, this authority is limited to the qualifying localities of Charlotte, Gloucester, Halifax, Henry, Mecklenburg, Northampton, Patrick, and Pittsylvania Counties and the City of Danville. HB 2316 is a [recommendation](#) of the Commission on School Construction and Modernization. An identical [bill](#) passed the Senate with bipartisan support. The Senate companion and a similar bill, [SB 1287 \(Deeds\)](#), which expands this authority to Albemarle County and the City of Charlottesville, will likely head to the House Finance Subcommittee #3 as well. A standalone bill expanding this authority for Prince Edward County, [HB 1605 \(Edmunds\)](#), has yet to have been heard in committee. A similar [bill](#) expanding this authority to the City of Newport News was also tabled by a similar vote.

VACo supports expanding this local authority and when given the opportunity has testified in committee to that effect. Despite historic investments last session, the [issue](#) of school construction and modernization remains an approximately \$25 billion issue that many localities struggle to address. The action of this subcommittee marks a disappointing, if not unsurprising end to a chapter of efforts to empower local governments with additional tools to ensure that no student in the Commonwealth of Virginia must attend a school with a leaky roof, a faulty HVAC system, or one that is older than their grandparents. Since this bill was first presented to the General Assembly last year to the current date, there has been [zero](#) public testimony or comment against these bills. The only meaningful opposition comes from a small subset of legislators who have prevented this bill from advancing to the full House of Delegates.

VACo thanks its members for their continued advocacy on this issue and for contacting legislators serving on this [committee](#) to support these bills once they are heard in subcommittee. A video recording of the meeting may be watched [here](#). The relevant portion of the meeting begins at the 7:48am timestamp.

VACo will continue to advocate for this legislation and for other efforts to provide additional tools and financing for school construction and modernization.

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

VACo Seeks Feedback on Waste Disposal Preemption Bill

[SB1365 \(Lewis\)](#) provides that a locality may not adopt a local ordinance that would prevent or prohibit the disposal of garbage, trash, or refuse at any materials recovery facility as such term is defined in the bill. The [amended bill](#) reported out of the Senate Agriculture, Conservation and Natural Resources Committee by a [vote of 11-1](#) (with 1 abstaining). It will move to the Senate floor for consideration.

VACo asks counties to review the proposed bill and the impacts the regulations may have on your locality and waste disposal systems.

VACo Contact: [James Hutzler](#)

Bills Gutting Local Authority to Regulate Short-Term Rentals Fail

[HB 2271 \(Marshall\)](#) and [SB 1391 \(Lewis\)](#), which exempt short-term rental property managed by a Virginia realtor from any short-term rental ordinance, were laid on the table in their respective committees at the request of the bill patrons. Both the Senate Local Government Committee and the House Counties, Cities and Towns Committee also requested that the Virginia Housing Commission study the issue prior to the 2024 legislative session. **VACo opposed the bills** and will participate in the Housing Commission study.

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

Bill to Make Accessory Dwelling Units (ADU) a By-Right Use Fails

[HB 2100 \(Hudson\)](#), as introduced, mandates that any single-family dwelling (SFD), or property that allows for SFD, be permitted to include an accessory dwelling unit (ADU). The bill was amended in a House Counties, Cities and Towns Subcommittee to remove the mandate and instead direct the Virginia Department of Housing and Community Development (DHCD) to develop a model ADU ordinance for localities to consider. The amended bill was laid on the table by a [5-4 vote](#). VACo opposed the mandate in the introduced bill.

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

Problematic Workers' Compensation Bills Denied or Referred

As previously [reported](#), a number of bills making changes to the Workers' Compensation Act are winding their way through the General Assembly. Two of the remaining bills have either been tabled or referred to the Joint Legislative Audit and Review Commission (JLARC).

[HB 1631 \(Bulova\)](#) / [SB 1088 \(Ebbin\)](#) would allow dispatchers to claim workers' compensation benefits relating to post-traumatic stress disorder under the Workers' Compensation Act. Currently, only law-enforcement officers and firefighters may claim such benefits. This bill would result in higher insurance costs to local governments. VACo does not oppose the policy intent of the bills but has testified in opposition to the legislation as it is a significant unfunded mandate. SB 1088 reported from Senate Finance and Appropriations. VACo also testified on HB 1631, which was eventually referred to the House Appropriations Compensation and Retirement Subcommittee. On February 1, the subcommittee voted 4-3 to table the legislation and refer it to JLARC for inclusion in their [study](#) of public safety officer enhanced retirement benefits. SB 1088 will likely meet a similar fate if it crosses over to the House.

[HB 1905 \(Batten\)](#) would establish a workers' compensation presumption for back, hip, knee, and neck injuries that cause the death or disability of law-enforcement officers, as defined in the bill, who have completed five years of service and are required to wear a duty belt, as defined in the bill, as a condition of employment. This bill would significantly increase local government risk insurer liability, which would in turn result in higher insurance costs to local governments. VACo does not oppose the policy intent of the bill but testified in opposition to the legislation as it is a significant unfunded mandate. The bill was heard by Subcommittee #2 of the House Commerce and Energy Committee on January 26, which voted unanimously 10-0 to lay the bill on the table.

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

Delegate Kilgore | Commonwealth Conversations



[Watch the Interview](#) | [Watch the Mobile Video Short](#)

Key Dates for the 2023 General Assembly

As part of its organizational work on the first day of the 2023 session, the General Assembly adopted a procedural resolution on January 11 that sets out important dates and deadlines for the [2023 legislative session](#).

January 11: General Assembly convened at noon. Bills that were “prefiled” were due to be submitted by 10 a.m. All bills and regulations affecting the Virginia Retirement System or creating or continuing a study were required to be filed before adjournment. Governor Youngkin delivered the State of the Commonwealth address at 4 p.m.

January 13: Deadline for submission of budget amendments

January 20: Deadline for all bills or joint resolutions to be filed by 3 p.m. (with some exceptions, such as legislation introduced at the request of the Governor or legislation allowed to be introduced after deadlines by unanimous consent)

February 5: Money committees report budgets by midnight

February 7: Money committee budget proposals available by noon; “crossover” deadline for each chamber to complete work on legislation originating in that chamber (except for the budget bill)

February 9: Houses of introduction must complete work on budget

February 15: Deadline for each chamber to complete work on other chamber’s budget proposal and revenue bills and appoint conferees

February 20: Deadline for committee action on legislation by midnight

February 25: Scheduled adjournment *sine die*

April 12: Reconvened session for consideration of Governor’s amendments and vetoes

VACo Contact: [Katie Boyle](#)