

Capitol Contact

Virginia General Assembly

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Thursday, February 4, 2021

Cigarette Taxing Authority Being Compromised – Call Senators to Oppose

[SB 1326 \(Hanger\)](#) requires that any locality that was not already imposing a cigarette tax on January 1, 2021, must be a member of a regional cigarette tax board in order to impose the tax. A regional cigarette tax board is defined in the bill as encompassing at least 10 member localities. The bill was amended in Senate Finance and Appropriations on February 3 to allow localities that have taken certain steps (enacted an ordinance or adopted a resolution) by January 31, 2021, toward implementing a cigarette tax to impose the tax until January 1, 2026, without being a member of a regional board, after which time the locality would have to be part of a regional board in order to impose the tax.

While VACo appreciates the amendment, which acknowledges that some counties are in the process of implementing the new cigarette tax authority that was granted by the 2020 General Assembly and takes effect July 1, 2021, the bill remains overly prescriptive.

SB 1326 is on the Senate floor and its deadline for final passage is Friday, February 5. **VACo is opposed** to the bill in its current form. Please call your [Senator](#) and register concerns about SB 1326.

KEY POINTS

- By requiring participation in a regional board, the bill limits counties' ability to exercise the new cigarette tax authority unless neighboring jurisdictions agree to participate as well.

- By specifying that a regional board must consist of at least 10 localities, the bill further limits counties' ability to exercise this authority. Regional discussions are underway in several parts of the state, but regional boards that are established in the near future are likely to have fewer than 10 members initially.
- Many counties are interested in establishing a regional entity to facilitate cigarette tax implementation, but a regional approach may be impractical for some counties. By requiring participation in a regional body in order to implement the tax, the bill would limit the cigarette tax authority before it takes effect.
- While regional boards may be a cost-effective solution for many localities, they will require some start-up funding to establish; member counties will need to provide up-front funding for costs such as staff salaries and benefits, rent and utilities for office space, office supplies, computer hardware or software, lease or purchase of a vehicle, tax stamps, and legal or other professional services costs associated with establishing the regional board.
- The committee amendment provides some flexibility for counties that were already planning to implement the cigarette tax, but the January 31 deadline for formal action is too stringent.

KEY CONTACTS

[Senate of Virginia](#) – email entire Senate with one click

[Senate of Virginia Listing](#)

VACo Contacts: [Dean Lynch, CAE](#) and [Katie Boyle](#)

Senate Finance and Appropriations Committee changes to workers' compensation presumption legislation largely address fiscal concerns

As previously [reported](#), several pieces of legislation that propose changes to the Virginia's Workers' Compensation Act with potentially significant impact to local governments are making their way through the General Assembly. Over the course of two days, the Senate Finance and Appropriations Committee heeded testimony from VACo and adopted substitute language that significantly reduces the fiscal impact to local governments. The amendment establishes a presumption for COVID-19 for certain categories of public employees.

On February 2, the Committee considered [SB 1342 \(Vogel\)](#), which establishes a presumption that COVID-19 causing the death or disability of firefighters, EMS

personnel, law-enforcement officers, and correctional officers is an occupational disease compensable under the Workers' Compensation Act. The Committee also considered [SB 1375 \(Saslaw\)](#), which establishes a retroactive presumption for COVID-19 limited to firefighters and EMS personnel. VACo staff expressed concerns that an expansion of workers' compensation presumptions for COVID-19, in addition to other recent changes last year in the benefits program, could result in substantial fiscal impacts to state and local governments at a time when they are struggling to provide essential and expanded services to respond to the impacts of the pandemic. According to actuarial analysis provided to VACo by VACORP, the fiscal impact of these bills as originally written could be approximately \$15 million and nearly \$4 million, respectively, if enacted.

This fiscal impact would stem mainly from language in the bills that would retroactively expand presumptions to March 2020. This has been identified as containing the most liability costs to local governments and well as posing complications to existing risk insurance reinsurance contracts and the likely delay in adjudication of workers' compensation claims by impacted employees should the legislation be enacted. For these reasons, VACo staff [urged](#) the committee to consider the use of federal funding if the General Assembly wished to create this retroactive presumption.

The Committee first incorporated SB 1342 into SB 1375, and then adopted substitute language, which establishes a prospective presumption for COVID-19 for firefighters, EMS personnel, law-enforcement officers, and correctional officers effective July 1, 2021, removes the retroactive presumption language, and requires diagnosis of COVID-19 from a licensed physician, after either a presumptive positive test or a laboratory confirmed test for COVID-19, and presented with signs and symptoms of COVID-19 that required medical treatment. With these changes, there is still likely to be some fiscal impact to local governments if the bill is enacted, however, it is now likely to be substantially less without the retroactivity component. As a result, **VACo no longer has opposition** to the bill as written and is appreciative of the efforts of the patrons as well as the Chair and members of the Senate Finance and Appropriations Committee for addressing the majority of our concerns. SB 1375 reported with the substitute language from the Committee unanimously, 16-0, and now heads to the full Senate.

In the House, [HB 2207 \(Jones\)](#), which still has the original problematic language previously contained in SB 1342, was reported by the House Appropriations Committee unanimously, 22-0. VACo staff testified in opposition to the bill when it was heard in subcommittee and now urges that the bill be conformed to the new language adopted by the Senate Finance and Appropriations Committee.

Though both the House and Senate versions of these bills have yet to pass their respective chambers, VACo anticipates that they will do so and as a result of the differences between the bills, will likely end up in a committee of conference.

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

Problematic landfill bills defeated in Senate committee

Three problematic bills prohibiting the placement and permitting for landfills have been effectively defeated in the Senate Agriculture, Conservation and Natural Resources Committee on February 4.

[SB 1186 \(Hashmi\)](#) preempted local authority, prohibiting the construction of any new municipal solid waste landfill within three miles of any designated historic district, building, structure, object, or site.

[SB 1200 \(Hashmi\)](#) required any application to store, provide treatment for, or dispose of hazardous waste or an application for a new solid waste management facility permit, except for a noncaptive industrial landfill, to include certification from the governing body for each locality within a five-mile radius of the facility, other than the locality in which the facility is or will be located, granting approval of the facility or activity.

[SB 1319 \(Hashmi\)](#) prohibited the Department of Environmental Quality (DEQ) and the Virginia Waste Management Board from issuing any permit for the construction, modification, or expansion of a new or existing municipal solid waste landfill that will accept 3,500 tons or more of municipal solid waste per day until the General Assembly enacts legislation incorporating the findings and recommendations of the Waste Diversion and Recycling Task Force. The bill further expanded the scope and timeline of the Task Force.

VACo was on hand to testify before the Committee on these bills. VACo opposed SB 1186 and SB 1200, which were passed by indefinitely by the Committee. VACo had no position on the expansion of the Task Force study in SB 1319 but did have concerns about the permit freeze proposed. The Committee ultimately stripped the permit freeze language, included only the language expanding the work of the Task Force, and reported the bill.

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

Virginia Board of Education Standards of Quality Legislation

The Virginia Board of Education (VBOE) re-prescribed its biennial [revisions](#) to the state's Standards of Quality (SOQ) in December 2020. Many of the Board's recommendations remain unfunded in the Governor's proposed revisions to the 2020-2022 budget and would require significant state and local funding. Two bills seek to codify the Board's prescriptions.

[HB 1929 \(Aird\)](#) / [SB 1257 \(McClellan\)](#), as originally written, would codify several changes to the Standards of Quality, including requiring the establishment of a unit in the Department of Education to oversee work-based learning statewide and requires the Board of Education to establish and oversee the local implementation of teacher-leader and teacher-mentor programs and the establishment of a unit in the Department of Education to oversee principal mentorship. The bills would also establish schoolwide ratios of students to teachers in certain schools with high concentrations of poverty and grant flexibility to provide compensation adjustments to teachers in such schools, require each school board to assign licensed personnel in a manner that provides an equitable distribution of experienced, effective teachers, require state funding in addition to basic aid to support at-risk students, lower the ratio of English language learner students to teachers, lower the ratio of students to assistant principals and school counselors in elementary, middle, and high schools, and remove four specialized student support positions, including school social workers, school psychologists, school nurses, and other licensed health and behavioral positions, from the cap on support positions and require 4 of any of these positions per 1,000 students, among other items.

These proposals reflect VBOE's identification of changes needed to the SOQs to provide high-quality, effective learning environments for all students. Many of the proposals such as the proposed ratio of student support positions, would address long-held positions of VACo to restore funding that was restructured as far back as the Great Recession and resulted in a significant loss of state support for K-12 education that did not reflect prevailing local practices. However, the bills in their original form would cost the state \$462.3 million in FY 2022 if enacted.

Both bills were originally introduced during the 2020 General Assembly Session, and both were left in House Appropriations at that time. Reintroduced this year, HB 1929 reported from the House Education Committee, 21-1, and was referred to the House Appropriations Committee. SB 1257 was amended in the Senate Finance and Appropriations Committee to be greatly reduced in scale to amend the SOQs to require and provide the state-share of funding for two specialized student support positions per 1,000 students. Committee discussion indicated a fiscal impact of \$50 million to the state and the Committee reported the bill with the substitute language unanimously, 16-0.

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

WIP III wastewater bills continue to find success in House and Senate

Two important bills that save localities money, provide greater certainty to wastewater treatment plants, and still provide a roadmap for achieving the goals and

obligations of the Phase III Watershed Implementation Plan (WIP III) continue to find favor in the House and Senate.

[HB 2129 \(Lopez\)](#) and [SB 1354 \(Hanger\)](#) establish a framework and timeline for wastewater treatment plants to undertake improvement projects in order to achieve specific goals in nitrogen and phosphorous reductions. These goals, and the specific timelines introduced in this legislation, will ensure the wastewater sector – and the Commonwealth as a whole – will meet their Chesapeake Bay nutrient reduction targets by the WIP’s 2025 deadline.

The chief objective of HB 2129 and SB 1354 is to provide greater certainty and clarity to local governments and wastewater facilities while also working to roll out upgrades and improvements in the most cost-effective manner possible. The total estimated cost of the necessary projects is approximately \$800 million over a five-year period via the Water Quality Improvement Fund (WQIF), but the framework established in these bills will save approximately \$173 million compared to what the Commonwealth previously proposed.

HB 2129 was reported out of the House Agriculture, Chesapeake and Natural Resources Committee, and House Appropriations Committee and was passed by the full House of Delegates by a vote of 58-39. SB 1354 was heard on February 4 by the Senate Agriculture, Conservation and Natural Resources Committee, where it was favorably reported and rereferred to Senate Finance and Appropriations, which in turn passed the measure. The bill will now be heard by the full Senate.

VACo supports HB 2129 and SB 1354 and has been pleased to speak in favor of these bills numerous times in subcommittee and committee.

KEY POINTS

- This is the most significant Chesapeake Bay clean-up bill for the wastewater sector in over a decade.
- It provides certainty in terms of timelines, what reductions are needed, and what upgrades and investments are required while also providing greater clarity to the General Assembly and localities for future Water Quality Investment Fund (WQIF) needs.
- It ensures that the Commonwealth will meet its WIP III obligations but does so in a manner that is cost-effective and efficient.
- HB 2129 and SB 1354 have a broad array of support, including VACo, VML, the Virginia Association of Municipal Wastewater Agencies (VAMWA), the Chesapeake Bay Foundation (CBF), the James River Association (JRA), and more.

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

Legislation to assist in Marcus Alert implementation moves forward

[SB 1302 \(McPike\)](#) would provide additional funding for the crisis call center that will support implementation of last year's Marcus Alert legislation and designate the call center as the 9-8-8 Crisis Hotline Center for purposes of participating in the national suicide prevention network. In July 2020, the Federal Communications Commission designated 988 as the new nationwide phone number to call to be connected with suicide prevention and mental health crisis counselors; this new number is planned to be effective July 2022 (the current hotline number is 1-800-273-TALK). The bill requires Virginia's crisis call center to provide crisis intervention and crisis care coordination 24/7 to individuals who call the 988 hotline, and generally requires the crisis call center to meet requirements and standards set out by the National Suicide Prevention Lifeline Network. The bill requires the call center to collaborate with local community services boards on the ongoing care needs of individuals who contact the call center.

The bill would increase the current post-paid wireless E-911 surcharge from \$0.75 per month to \$0.94 and the pre-paid wireless E-911 fee from \$0.50 to \$0.63. Twelve cents of the increase to the post-paid wireless surcharge and eight cents of the increase to the pre-paid wireless charge would be used to support the crisis call center. The remainder would be deposited into the Wireless E-911 Fund and distributed to Public Safety Answering Points (PSAPs) by the 9-1-1 Services Board. Existing law requires 60 percent of this fund to be distributed via formula based on population and call load, and 40 percent to be distributed via grants. The bill adds language to the provisions dealing with grant funding to stipulate that the Board must give highest priority to grants that support the regional or multijurisdictional deployment and maintenance of Next-Generation 911 (NG-911), with secondary priority to be given to grants that support the deployment and sustainment of NG-911 in a single jurisdiction and in-building repeaters that improve public safety radio coverage within buildings.

The legislation also provides some additional requirements for the mobile crisis and community care teams that will be established as part of the Marcus Alert system, directing the Department of Behavioral Health and Developmental Services to ensure that teams are designed in partnership with community members and staffed by personnel who reflect the demographics of the community that they serve. Teams are required to collect customer service data from individuals served and to collaborate with local law-enforcement agencies in use of the crisis call center. The bill has passed the Senate and has been referred to House Health, Welfare, and Institutions.

The Department of Behavioral Health and Developmental Services and the Department of Criminal Justice Services are working to develop the implementation plan for the Marcus Alert system that was directed by the 2020 special session

legislation. A statewide stakeholder group has been convened (VACo is serving in an ex-officio capacity) to assist in the development of the plan, which is due July 1, 2021.

VACo Contact: [Katie Boyle](#)

Helpful public notice bill referred back to committee again; topic to be further studied

Despite favorably reporting from the House Counties, Cities, and Towns Committee twice, legislators have elected to send [HB 2114 \(Ransone\)](#) back to Committee – for a second time – so that the issue can be further studied.

HB 2114 provides that in any instance in which a locality has submitted a timely notice of public hearing to a newspaper published or having general circulation in the locality and the newspaper fails to publish the notice, such locality shall be deemed to have met certain notice requirements so long as the notice was published in the next available edition.

The provisions of HB 2114 do not circumvent any public notice requirements. This bill only allows a hearing to go forward if the locality has already followed all relevant public notice requirements and the newspaper inadvertently failed to publish the hearing notice. Furthermore, current law already allows this for the 17 localities (including six counties) located in Planning District 23 – HB 2214 simply expands this authority to all localities in the Commonwealth.

HB 2114 was initially reported from the House Counties, Cities and Towns Committee by a vote of 17-4, but it was sent back to the Committee on January 26. That Committee took up the bill again on January 29, when members debated killing the bill in favor of a study. Proponents of the bill, however, noted that this topic had already been thoroughly examined by all relevant parties in the legislative offseason, and consensus on this initiative had been reached prior to the bill's introduction. Ultimately, HB 2114 once again reported out of the Committee to the full House by a vote of 13-8.

Despite succeeded in committee twice, legislators argued on the House floor on February 3 that this bill should not proceed and instead should be studied further by all relevant stakeholders after the legislative session concludes. Accordingly, by a voice vote, the House narrowly rereferred the bill to Committee.

VACo is deeply grateful to Delegate Margaret Ransone for introducing this important legislation. VACo is further appreciative to have developed this consensus bill the Virginia Press Association.

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

A flurry of procurement bills

[HB 2001 \(Helmer\)](#) would require localities to design certain buildings and renovations with Virginia Energy Conservation and Environmental Standards to include charging stations and tracking of energy efficiency and carbon emissions. The bill applies to new buildings in excess of 5,000 square feet or any building renovated that would increase the value of the building by 50%. There is an opt-out provision that requires a locality by resolution to complete a cost comparison of energy costs over 20 years versus construction without these requirements. HB 2001 passed the House by a vote of 53-45 and will move to the Senate.

VACo opposes [HB 1811 \(Helmer\)](#), which requires localities to select only Energy Star certified bids while procuring goods in certain circumstances. The bill provides that if a public body receives at least 2 bids that are Energy Star they must select one of those bids. They cannot consider other preferences or cost and as drafted may be forced to accept a bid that greatly exceeds anticipated costs. HB 1811 passed the House by a vote of 55-44 and will move to the Senate.

[SB 1305 \(McPike\)](#) requires public bodies (except localities with a population under 25,000) to include language in construction contracts over \$500,000 requiring that subcontractors use at least 90% of their own labor, with opportunity for a waiver by a contractor. The bill provides that upon receiving the contractor's written submission, the public body may exercise the appropriate contract terms and conditions to enforce the outsource requirements of the contract. SB 1305 passed the Senate by a vote of 21-18 and moves over to the House.

[HB 2288 \(Graves\)](#) requires contractors to submit a list of subcontractors for construction contracts over \$250,000 (applies to localities with over 50,000 in population). HB 2288 has a reenactment clause meaning that the bill will need to be reenacted in the 2022 session. The bill is on the House floor.

As introduced, [HB 1849 \(Simonds\)](#) required public bodies to include in construction contracts over \$250,000 provisions requiring the contractor and subcontractors to participate in an apprenticeship program for each separate trade. The bill was amended to create a study committee of stakeholders to study the issue over the next year.

[HB 1996 \(Murphy\)](#) allows localities to include in the Invitation to Bid criteria that may be used in determining whether any bidder, not just any bidder who is not prequalified by the Virginia Department of Transportation as under current law, is a responsible bidder. This bill passed the House by a vote of 55-46.

[HB 2237 \(McQuinn\)](#) and [SB 1419 \(Marsden\)](#) provide in the event a public body chooses to require a contractor for a specific highway, bridge, or road construction project to enter into a project labor agreement for that project, the public body must make a written determination that requiring such advances the public's interest

based on objective criteria such as cost, efficiency, quality, etc. In the House, this bill was referred to the General Laws Committee but not scheduled for a subcommittee hearing this week and, in the Senate, the bill was referred to the Commerce and Labor Committee and is not scheduled for hearing this week. The bills appear to be done for the session.

[SB 1384 \(Surovell\)](#) permits a locality to require bidders or offerors on any contract above \$10,000 to disclose information as to whether they use mandatory arbitration agreements in their employment or consumer contracts and allows the public body to consider those policies in making the award. SB 1384 reported from the Senate General Laws and Technology Committee on a vote of 8-7. The bill is on the Senate floor for action.

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

Expansion of Stormwater Local Assistance Fund (SLAF) eligibility passes Senate committee

[SB 1404 \(Lewis\)](#) proposes a slight expansion of project eligibility for Stormwater Local Assistance Fund (SLAF) projects. Specifically, the bill authorizes SLAF awarded for projects related to Chesapeake Bay total maximum daily load (TMDL) requirements to consider total phosphorus reductions or total nitrogen reductions. Additionally, SB 1404 authorizes grants awarded for eligible projects in localities with high or above average fiscal stress (as reported by the Commission on Local Government) to account for more than 50 percent of the costs of a project.

SB 1404 was heard and passed by the Senate Agriculture, Conservation and Natural Resources Committee on February 4.

VACo supports SB 1404 and was on hand to testify in favor of this bill.

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

In-person and virtual learning requirement bill graduates Senate

[SB 1303 \(Dunnavant\)](#) would require that each local school division in the Commonwealth make virtual and in-person learning available to all students by choice of the student's parent or guardian. This is meant to address the concerns of some parents that virtual or hybrid learning is not as effective as in-person instruction and also the concerns of some parents who would prefer virtual instruction for their children out of safety or other concerns. Currently, whether or not a school division continues to hold in-person, virtual, or hybrid learning is under

the purview and authority of each local school board. As previously [reported](#), the pandemic has caused issues such as student and staff safety, effectiveness of instruction, and equity to factor into these often difficult decisions. On January 14, the Virginia Department of Education (VDOE) provided updated [guidance](#) on the reopening of school divisions. VDOE also maintains a [map](#) of school divisions which tracks the various stages of their reopening.

The bill originally contained an emergency clause that would have allowed the provisions of the bill to take immediate effect if enacted, however that would have also required approval by a four fifth's vote by the General Assembly. The emergency clause was stripped from the bill and after a lengthy discussion, the Senate passed the bill, 26-13. The legislation now faces consideration in the House.

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

Bill establishing Carbon Sequestration Task Force reports out of committee

Legislation seeking to establish a Carbon Sequestration Task Force has reported favorably out of committee and will now be heard by the full Senate.

[SB 1374 \(Lewis\)](#) directs the Secretary of Natural Resources, jointly with the Secretary of Agriculture and Consumer Services, to convene a task force for the purpose of studying carbon sequestration in the Commonwealth and submit a report of its findings before the first day of the 2022 Session of the General Assembly.

The bill directs the task force to:

- Consider possible methods of increasing carbon sequestration within the natural environment through state land and marine resources use policies; agricultural, aquacultural, and silvicultural practices; and other practices to achieve restoration of natural resources and long term conservation;
- Recommend short-term and long-term benchmarks for increasing carbon sequestration;
- Develop a standardized methodology to establish baseline carbon levels and account for increases in carbon sequestration over time;
- Identify existing carbon markets and considerations relevant to potential participation by the Commonwealth; and
- Identify other potential funding mechanisms to encourage carbon sequestration practices in the Commonwealth.

SB 1374 was reported by the Senate Agriculture, Conservation and Natural Resources Committee on February 4.

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

Senate set to vote on new erosion and sediment control practices for solar projects

New erosion and sediment control practices for solar projects are set to be voted on by the Senate this week.

[SB 1258 \(Marsden\)](#) makes changes to § [62.1-44.15:55.1](#) of the Code of Virginia, which deals with localities and solar projects. Specifically, SB 1258 requires that the State Water Control Board administer a Virginia Erosion and Sediment Control Program (VESCO) on behalf of any locality that notifies the Department of Environmental Quality (DEQ) that it has chosen not to administer a VESCO for a solar project larger than 5 megawatts (MW). VACo [previously wrote](#) about this bill for the January 2 edition of [Capitol Contact](#).

SB 1258 was initially heard on January 19 by the Senate Agriculture, Conservation and Natural Resources Committee. The bill was then heard on February 2 by the Senate Finance and Appropriations Committee, which reported the bill, 16-0, with an amendment stipulating the provisions shall only be effective contingent upon funding being included for this program in the Budget.

SB 1258 will be voted on by the full Senate as early as Thursday afternoon (February 4).

VACo has no position on this bill provided it remains a local option.

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

State Parks funding bill unanimously passes House, referred to Senate committee

Legislation introduced by Delegate Bobby Orrock that seeks to address funding issues for Virginia's state parks unanimously passed the House of Delegates and will now be heard by the Senate.

[HB 1804 \(Orrock\)](#) requires the Virginia Department of Conservation and Recreation (DCR) to develop recommendations for one or more dedicated, stable sources of funding for the state parks system. DCR shall convene stakeholders to study the issue

and develop recommendations and shall submit its recommendations to the General Assembly no later than November 1, 2021.

[A 2019 study by the Virginia Tech Pamplin School of Business](#) reported that in 2019, visitors to Virginia’s state parks spent approximately \$286.2 million in the Commonwealth, nearly 45% (\$130.2 million) of which was spent by out-of-state visitors. The report further noted that the total economic activity stimulated by Virginia State Parks during 2019 was approximately \$437.7 million, an estimated \$343 million of which is considered “fresh money,” funds that likely would have not been generated at all in the absence of the park system. In terms of the park system’s impact directly on counties, the report details millions of dollars of economic activity in counties that are above state averages.

HB 1804 passed the House on January 26 by unanimous vote. The bill has now been referred to the Senate Agriculture, Conservation and Natural Resources Committee, where it awaits a hearing.

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

New requirements for community outreach for air, water and waste permits fail in Senate, move forward in House

Legislation that requires new, and robust, community and environmental justice outreach for certain applications for permits from the Virginia Department of Environmental Quality (DEQ) failed to report out of the [Senate Agriculture, Conservation and Natural Resources Committee](#) on February 4, while a companion measure has made it to the House floor. The debate and controversy regarding the proposal revolves around how much notice to, and input from, historically disadvantaged communities is necessary before DEQ issues a permit. Concerns about how these additional requirements could potentially slow down and hamper economic development and job creation have been raised by opponents to the measure.

[SB 1373 \(McClellan\)](#) and [HB 2221 \(Hayes\)](#) include requirements for applicants seeking permits for air, water, waste and groundwater to hold a public hearing to present information to attendees, collect comments, and then submit all oral and written comments to DEQ. For certain permit applications, including for new municipal landfills, the applicant is also required to send notification to the “... *mailing address for any parcel of real property that is depicted within a three-mile radius ...* “of the proposed site of the new facility.

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

Increased fine for littering passes House

A bill increasing possible fines for dumping or littering has passed the House of Delegates.

[HB 1801 \(Edmunds\)](#) doubles the current possible minimum fine for dumping or disposing of litter, trash, refuse or other specified items on public property or on private property without permission, raising the fine from \$250 to \$500. Initially the bill also sought to increase the possible max from \$2,500 to \$5,000, though this was amended back to \$2,500 in the House Courts of Justice Committee. Similarly, the bill proposes increasing the mandatory minimum period of community service from 10 hours to 40 hours, though this too was stripped in Committee.

HB 1801 was reported out of the House Courts of Justice Committee, 18-4, and passed the full House of Delegates on February 3 by a vote of 65-32.

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