

Legislative Update for VTCA

February 8, 2010

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I. SUPPORT

A. Environmental

1. Bills Still Alive (1)

HB 515 Wetlands and stream mitigation; prohibits localities from regulating location of projects.

A BILL to amend and reenact § 62.1-44.15:20 of the Code of Virginia, relating to location of wetlands and stream mitigation projects.

Summary as introduced:

Wetlands and stream mitigation. Prohibits localities from regulating the location of wetlands and stream mitigation projects that are subject to a Virginia Water Protection Permit.

Patrons: Rust and Knight

2. Failed Bills (0)

B. VDOT

1. Bills Still Alive (5)

HB 1117 Highway work zones; increases penalty for speeding violation.

A BILL to amend and reenact § 46.2-878.1 of the Code of Virginia, relating to speeding in highway work zones; penalty.

Summary as introduced:

Speeding in highway work zones; penalty. Increases from \$500 to \$1,000 the penalty for speeding in a highway work zone. Further provides that any violation resulting in the injury of a construction worker is punishable by imprisonment of up to one year and any violation resulting in the death of a construction worker is punishable by imprisonment of up to 15 years.

Patrons: Ebbin and Englin

HJ 81 Hampton Roads Bridge-Tunnel; VDOT to implement recommendations of Independent Review Panel.

Requesting the Virginia Department of Transportation implement the recommendations of the Independent Review Panel and report on the status of such implementation to the Joint Commission on Transportation Accountability.

Summary as introduced:

Implementation of Hampton Roads Bridge-Tunnel study recommendations; report. Requests the Virginia Department of Transportation to implement the recommendations of the Independent Review Panel and report on the status of such implementation to the Joint Commission on Transportation Accountability.

Patron: Oder

HJ 96 Transportation Needs, Commission on; established, report.

Establishing the Commission on Virginia's Transportation Needs. Report.

Summary as introduced:

Commission on Virginia's Transportation Needs. Establishes the Commission on Virginia's Transportation Needs to look at transportation needs in Virginia and alternatives for planning and financing Virginia's transportation system.

Patron: May

HJ 134 Transportation Network of Hampton Roads, Joint Subcommittee Studying; continued.

Continuing the Joint Subcommittee to Study the Transportation Network of Hampton Roads. Report.

Summary as introduced:

Study; transportation network of Hampton Roads; report. Extends the Joint Subcommittee to Study the Transportation Network of Hampton Roads for a third year.

Patron: Jones

SB 418 Infrastructure in Urban Development Areas Loan Fund; created.

A BILL to amend the Code of Virginia by adding in Title 15.2 a chapter numbered 24.3, consisting of sections numbered 15.2-2430 through 15.2-2440, relating to creation of the Virginia Infrastructure in Urban Development Areas Loan Fund.

Summary as introduced:

Virginia Infrastructure in Urban Development Areas Loan Fund. Creates the Virginia Infrastructure in Urban Development Areas Loan Fund. The Fund would be administered by the Virginia Resources Authority. Money in the Fund would be used exclusively for the financing of road, small water facility, and wastewater treatment facility projects located or to be located within an urban development area in the Commonwealth and undertaken by a local government. Priority for loans would be given to projects that will serve two or more local governments to encourage regional cooperation.

Patron: Vogel

2. Failed Bills (1)

HJ 61 Transportation Needs, Commission on; established, report.

Establishing the Commission on Virginia's Transportation Needs. Report.

Summary as introduced:

Study; Commission on Virginia's Transportation Needs; report. Establishes the Commission on Virginia's Transportation Needs to look at transportation needs in Virginia and alternatives for planning and financing Virginia's transportation system.

Patron: Plum

C. Funding

1. Bills Still Alive (16)

HB 230 Motor fuels tax rate increase; allocation of construction funds for primary highway system.

A BILL to amend and reenact §§ 33.1-23.2, 58.1-2217, 58.1-2249, 58.1-2289, as it may become effective, 58.1-2701, as it is currently effective and as it may become effective, and 58.1-2706 of the Code of Virginia, relating to motor fuels tax and allocation of construction funds for state primary highway system.

Summary as introduced:

Motor fuels tax; rate increase; allocation of construction funds for primary highway system. Increases the motor fuels tax by \$0.10 per gallon, minus \$0.01 for each \$0.20 that the average price of gasoline exceeds \$3.00. The tax will be indexed every two years beginning July 1, 2011, by an amount equal to the percentage change in the U.S. Department of Labor's Producer Price Index for Highway and Street Construction. The revenue generated is used for transportation purposes as required by existing law, and allocates primary system highway construction funds among the nine highway construction districts on the basis of the ratio of vehicle miles traveled on primary highways divided by the lane miles of primary highways in each highway construction district, weighted 90 percent, and a need factor, weighted 10 percent.

Patron: Watts

HB 404 Transportation funding and administration; provides funding in certain localities.

A BILL to amend and reenact §§ 15.2-4838.1 and 15.2-4840 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 48.2 of Title 15.2 a section numbered 15.2-4841 and by adding in Title 33.1 a chapter numbered 10.3, consisting of sections numbered 33.1-391.17 and 33.1-391.18, a chapter numbered 10.4, consisting of sections numbered 33.1-391.19 and 33.1-391.20, a chapter numbered 10.5, consisting of sections numbered 33.1-391.21 and 33.1-391.22, and a chapter numbered 10.6, consisting of sections numbered 33.1-391.23 and 33.1-391.24, and to repeal §§ 58.1-1724.2 and 58.1-1724.4 of the Code of Virginia and the thirteenth and eighteenth enactments of Chapter 896 of the Acts of Assembly of 2007, relating to transportation funding and administration in the Northern Virginia and Hampton Roads areas and in the Richmond Highway Construction District, the Staunton Highway Construction District, and the Salem Highway Construction District.

Summary as introduced:

Transportation funding and administration. Provides for transportation funding and administration in Hampton Roads, Northern Virginia, the Richmond Highway Construction District, the Staunton Highway Construction District, and the Salem Highway Construction District. The amount of funding is based on: (i) for Northern Virginia, a portion of the growth in certain state tax revenues in Northern Virginia; (ii) for Hampton Roads, a portion of the growth in certain state tax revenues generated or facilitated by the marine terminals in Hampton Roads; (iii) for the Richmond Highway Construction District, a portion of the growth in certain state tax revenues generated or facilitated by the Port of Richmond; (iv) for the Staunton Highway Construction District, a portion of the growth in certain state tax revenues generated or facilitated by the Inland Port at Front Royal; and (v) for the Salem Highway Construction District, a portion of the growth in certain state tax revenues expected to be generate or facilitated by the Elliston Intermodal Facility.

Patrons: Oder and Stolle

HB 540 Salem Highway Construction District; transportation funding.

A BILL to amend the Code of Virginia by adding in Title 33.1 a chapter numbered 10.3, consisting of sections numbered 33.1-391.16 and 33.1-391.17, relating to transportation funding for the Salem Highway Construction District.

Summary as introduced:

Transportation funding; the Salem Highway Construction District. Provides funds for transportation in the Salem Highway Construction District by allocating revenue attributable to a portion of economic growth due to or facilitated by the Inland Port in Montgomery County.

Patrons: Marshall, D.W. and Merricks

HB 665 Budget bill; Governor to provide for additional appropriations to Transportation Trust Fund.

A BILL to amend and reenact § 2.2-1509.1 of the Code of Virginia, relating to additional appropriations to the Transportation Trust Fund that may be included in the Governor's budget bill in cases of certain projected growth in general fund revenues.

Summary as introduced:

Transportation Trust Fund; additional appropriations in Governor's Budget Bill in cases of general fund revenue growth. Requires the Governor, in submitting his biennial budget bill, to provide for additional appropriations to the Transportation Trust Fund from general fund revenues in cases in which general fund revenues for a fiscal year are projected to grow by at least three percent. Any such additional appropriation to the Transportation Trust Fund recommended by the Governor would be required to be in an amount not less than one percent of the projected growth in general fund revenues for the fiscal year.

Patron: May

HB 756 Offshore drilling; royalties to be deposited in Transportation Trust Fund.

A BILL to amend the Code of Virginia by adding in Chapter 3 of Title 67 a section numbered 67-301, relating to royalties from offshore drilling.

Summary as introduced:

Royalties from offshore drilling. Requires that at least 80 percent of any revenues and royalties paid to the Commonwealth as a result of offshore natural gas and oil drilling shall be deposited to the Transportation Trust Fund.

Patrons: Stolle, Miller, J.H., Oder and Villanueva

HB 970 Transportation Trust Fund; designation of annual surplus.

A BILL to amend and reenact § 2.2-1514, as it is currently effective, of the Code of Virginia, relating to increasing the designation of surplus revenues to be deposited into the Transportation Trust Fund.

Summary as introduced:

Designation of annual surplus to the Transportation Trust Fund. Increases from two-thirds to 75 percent the amount of the general fund surplus designated to the Transportation Trust Fund within the Comptroller's annual report following the close of each fiscal year. The governor would include in his budget bill an amount for deposit into the Transportation Trust Fund equivalent to the amount designated by the Comptroller.

Patron: Rust

HB 971 Northern Virginia Transportation Authority Sales and Use Tax Fund; established.

A BILL to amend and reenact §§ 58.1-604.1, 58.1-608.3, and 58.1-614 of the Code of Virginia, and to amend the Code of Virginia by adding sections numbered 15.2-4838.01, 30-134.1, 58.1-603.1, and 58.1-604.01, and by adding in Title 58.1 a chapter numbered 22.1, consisting of sections numbered 58.1-2291 through 58.1-2296, relating to transportation funding and administration.

Summary as introduced:

Transportation funding and administration. Provides additional funding for transportation by (i) imposing a transportation infrastructure users fee on motor fuels sold by a distributor to a retail dealer at the rate of one percent, to be used for highway maintenance in the highway construction district in which the fuel is sold; (ii) increasing the state sales and tax in Northern Virginia by 0.5 percent for transportation projects in Northern Virginia; and (iii) imposing a regional congestion relief fee on the recordation of deeds in Northern Virginia at a rate of \$0.40 per \$100. Neither the fees nor the tax increase shall become effective until the unemployment rate in the Commonwealth is equal to or lower than it was in January 2008 for six consecutive months. The bill also requires a performance audit of the Commonwealth's transportation programs.

Patrons: Rust, May, Watts and Kory

HB 1013 Infrastructure in Urban Development Areas Loan Fund; created.

A BILL to amend the Code of Virginia by adding in Title 15.2 a chapter numbered 24.3, consisting of sections numbered 15.2-2430 through 15.2-2440, relating to creation of the Virginia Infrastructure in Urban Development Areas Loan Fund.

Summary as introduced:

Virginia Infrastructure in Urban Development Areas Loan Fund. Creates the Virginia Infrastructure in Urban Development Areas Loan Fund. The Fund would be administered by the Virginia Resources Authority. Money in the Fund would be used exclusively for the financing of road, small water facility, and wastewater treatment facility projects located or to be located within an urban development area in the Commonwealth and undertaken by a local government. Priority for loans would be given to projects that will serve two or more local governments to encourage regional cooperation.

Patron: Athey

SB 76 Salem Highway Construction District Transportation Revenue Fund; established.

A BILL to amend the Code of Virginia by adding in Title 33.1 a chapter numbered 10.3, consisting of sections numbered 33.1-391.16 and 33.1-391.17, relating to transportation funding for the Salem Highway Construction District.

Summary as introduced:

Transportation funding; the Salem Highway Construction District. Provides funds for transportation in the Salem Highway Construction District by allocating revenue attributable to a portion of economic growth due to or facilitated by the Inland Port in Montgomery County.

Patrons: Reynolds; Delegate: Armstrong

SB 132 Retail Sales and Use Tax; increases distribution to Transportation Trust Fund.

A BILL to amend and reenact §§ 58.1-602 and 58.1-638 of the Code of Virginia, relating to increasing the distribution of retail sales and use tax revenues to the Transportation Trust Fund.

Summary as introduced:

Retail sales and use tax; distribution to Transportation Trust Fund. Increases the distribution to the Transportation Trust Fund from the sales and use tax revenue generated by a one-half percent sales and use tax to the sales and use tax revenue generated by a one percent sales and use tax upon the Comptroller determining in any fiscal year that (i) the growth in general fund revenues for the most recently completed fiscal year was at least three percent, and (ii) the actual dollar increase in general fund revenues for the most recently completed fiscal year was at least equal to the sales and use tax revenue generated by a one-half percent sales and use tax.

Patron: Obenshain

SB 164 Transportation; source of revenue by increase of motor vehicle sales and use tax.

A BILL to amend and reenact §§ 33.1-23.03:1, 58.1-339.8, 58.1-611.1, 58.1-2289, as it is currently effective and as it may become effective, 58.1-2402, and 58.1-2425 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 33.1-23.1:01 and by adding in Chapter 22 of Title 58.1 an article numbered 8.1, consisting of a section numbered 58.1-2288.1, relating to revenues of the Commonwealth; transportation funding.

Summary as introduced:

Revenues of the Commonwealth; transportation funding. Creates additional sources of revenue for transportation by increasing the motor vehicle sales and use tax by one-half percent and the motor vehicle rental tax by one percent, and by imposing a five percent tax on the wholesale price of gasoline. The new revenue sources will be directed to the Rail Enhancement Fund, the Transportation Trust Fund, the Highway Maintenance and Operating Fund for transportation projects and needs of the Commonwealth, and certain priority transportation projects, as

designated by the Commonwealth Transportation Board, in Northern Virginia and Hampton Roads. The bill would also eliminate the one-half percent sales tax on food currently going to the Transportation Trust Fund, and would raise the allowed credit for low-income taxpayers.

Patron: Edwards

SB 513 Racing Commission; allocations from simulcast horse racing.

A BILL to amend and reenact §§ 59.1-365, 59.1-369 and 59.1-392 of the Code of Virginia, relating to the Virginia Racing Commission; simulcast horse racing; allocations.

Summary as introduced:

Virginia Racing Commission; simulcast horse racing; allocations. Authorizes wagering on historical horse racing. The bill also allocates the proceeds from such racing with fifty percent of the proceeds distributed to the Commonwealth Transportation Trust Fund and the remaining fifty percent distributed to other entities. In addition, the bill (i) requires the existing race track to provide gambling educational programs including information on the availability of gambling addiction counseling and (ii) requires the promulgation of emergency regulations.

Patron: Norment

SB 541 Transportation Capital Projects Revenue Bonds; used for new road or highway construction projects.

A BILL to amend and reenact § 33.1-23.4:01 of the Code of Virginia, relating to the use of Commonwealth of Virginia Transportation Capital Projects Revenue Bonds.

Summary as introduced:

Commonwealth of Virginia Transportation Capital Projects Revenue Bonds. Provides that at least 50 percent of the proceeds of Commonwealth of Virginia Transportation Capital Projects Revenue Bonds would be used for new road or highway construction projects. The bill defines a new road or highway construction project as the construction of, enhancement of, or addition to a road or highway (or a portion or segment of a road or highway), which construction, enhancement, or addition did not commence prior to January 1, 2010. Commonwealth of Virginia Transportation Capital Projects Revenue Bonds were authorized for issuance in 2007 pursuant to House Bill No. 3202.

Patrons: Newman, Martin, McWaters, Vogel and Wagner

SB 601 Offshore drilling; royalties to be deposited in Transportation Trust Fund.

A BILL to amend the Code of Virginia by adding in Chapter 3 of Title 67 a section numbered 67-301, relating to royalties from offshore drilling.

Summary as introduced:

Royalties from offshore drilling. Requires that at least 80 percent of any revenues and royalties paid to the Commonwealth as a result of offshore natural gas and oil drilling shall be deposited to the Transportation Trust Fund.

Patrons: Wagner, Blevins, Hurt, Martin, McDougle, Newman, Ruff, Smith, Stosch and Vogel

SB 655 Racing Commission; allocations from simulcast horse racing.

A BILL to amend and reenact §§ 59.1-365, and 59.1-392 of the Code of Virginia, relating to the Virginia Racing Commission; simulcast horse racing; allocations.

Summary as introduced:

Virginia Racing Commission; simulcast horse racing; allocations. Authorizes wagering on historical horse racing. The bill also allocates the proceeds from such racing with 35 and one-half percent of the proceeds distributed to

the Commonwealth Transportation Trust Fund and the remaining 64 and one-half percent distributed to other entities. In addition, the bill requires (i) the existing racetrack to provide gambling educational programs including information on the availability of gambling addiction counseling and (ii) the promulgation of emergency regulations.

Patron: Herring

SJ 94 Motor fuel tax; joint subcommittee to study desirability of replacing with mileage-based fee.

Establishing a joint subcommittee to study the desirability and feasibility of replacing the state motor fuel tax with alternative methods including a mileage-based fee predicated on vehicle-miles traveled in Virginia. Report.

Summary as introduced:

Study; replacement of the state motor fuel tax; report. Establishes a joint subcommittee to study the desirability and feasibility of replacing the state motor fuel tax with a mileage-based fee predicated on vehicle-miles traveled in Virginia.

Patron: Miller, J.C.

2. Failed Bills (8)

HB 269 Retail Sales and Use Tax; increases rate on motor fuels in Northern Virginia.

A BILL to amend and reenact § 58.1-1720 of the Code of Virginia, relating to sales tax on motor fuel in certain transportation districts.

Summary as introduced:

Sales tax on motor fuels in Northern Virginia; increase in rate. Increases the rate of the state sales tax on motor fuels in Northern Virginia from 2.1 percent to 4.2 percent.

Patron: Englin

HB 666 Transportation Capital Projects Revenue Bonds; used for new road or highway construction projects.

A BILL to amend and reenact § 33.1-23.4:01 of the Code of Virginia, relating to the use of Commonwealth of Virginia Transportation Capital Projects Revenue Bonds.

Summary as introduced:

Commonwealth of Virginia Transportation Capital Projects Revenue Bonds. Provides that at least 50 percent of the proceeds of Commonwealth of Virginia Transportation Capital Projects Revenue Bonds would be used for new road or highway construction projects. The bill defines a new road or highway construction project as the construction of, enhancement of, or addition to a road or highway (or a portion or segment of a road or highway), which construction, enhancement, or addition did not commence prior to January 1, 2010. Commonwealth of Virginia Transportation Capital Projects Revenue Bonds were authorized for issuance in 2007 pursuant to House Bill No. 3202.

Patron: May

HB 805 Offshore drilling; portion of royalties to be deposited in Transportation Trust Fund. - (Incorporated by HB756)

A BILL to amend the Code of Virginia by adding in Chapter 3 of Title 67 a section numbered 67-301, relating to royalties from offshore drilling.

Summary as introduced:

Royalties from offshore drilling. Requires that 80 percent of any revenues and royalties paid to the Commonwealth as a result of offshore natural gas and oil drilling shall be deposited to the Transportation Trust Fund. The remaining 20 percent shall be used to encourage and incentivize non-petroleum based transportation fuels.

Patron: Poindexter

HB 900 Offshore drilling; portion of royalties to be deposited in Transportation Trust Fund. (Incorporated by HB756)

A BILL to amend the Code of Virginia by adding in Chapter 3 of Title 67 a section numbered 67-301, relating to royalties from offshore drilling.

Summary as introduced:

Offshore drilling; royalties. Apportions 80 percent of any royalties that the Commonwealth might receive from offshore drilling for natural gas and oil to the Transportation Trust Fund, and 20 percent to programs developed by the Secretary of Natural Resources to clean up the Chesapeake Bay.

Patron: Comstock

HB 1059 Transportation Capital Projects Bond Act of 2010; created.

A BILL to authorize the Commonwealth Transportation Board to issue certain bonds, relating to transportation.

Summary as introduced:

Bonds for transportation projects. Authorizes the Commonwealth Transportation Board to issue bonds in an aggregate amount not to exceed \$3,963,000,000 for specific transportation projects throughout the Commonwealth. The bonds will be paid for by the revenues collected for each project through tolls and other fares or fees.

Patron: Marshall, R.G.

HB 1061 Transportation Bond Act of 2010; created.

A BILL authorizing the issuance of Commonwealth of Virginia General Obligation Bonds pursuant to Article X, Section 9 (b) of the Constitution of Virginia in an amount not exceeding \$3,963,000,000 for the purpose of financing the costs of transportation capital projects, provided that issuance of the bonds is approved by a majority of the voters at the general election to be held on Tuesday, November 2, 2010.

Summary as introduced:

General obligation bonds for transportation projects. Authorizes issuance of general obligation bonds in an amount not to exceed \$3,963,000,000 to finance capital transportation projects.

Patron: Marshall, R.G.

HJ 68 Highway; Joint Commission on Transportation Accountability to develop plan to place toll on certain.

Directing the Joint Commission on Transportation Accountability to develop a plan to toll certain highways. Report.

Summary as introduced:

Study; tolling of highways; report. Directs the Joint Commission on Transportation Accountability to develop a plan to toll certain highways.

Patron: Rust

SB 600 Transportation Trust Fund; increases amount of general fund surplus.

A BILL to amend and reenact § 2.2-1514, as it is currently effective, of the Code of Virginia, relating to increasing the designation of surplus revenues to be deposited into the Transportation Trust Fund.

Summary as introduced:

Designation of annual surplus to the Transportation Trust Fund. Increases from two-thirds to 75 percent the amount of the general fund surplus designated to the Transportation Trust Fund within the Comptroller's annual report following the close of each fiscal year. The governor would include in his budget bill an amount for deposit into the Transportation Trust Fund equivalent to the amount designated by the Comptroller.

Patrons: Wagner, Blevins, Martin, McWaters, Smith and Vogel

D. Constitutional

1. Bills Still Alive (5)

HJ 5 Constitutional amendment (first resolution); Transportation Funds.

Proposing an amendment to the Constitution of Virginia by adding in Article X a section numbered 7-B, relating to special funds for transportation purposes.

Summary as introduced:

Constitutional amendment (first resolution); Transportation Funds. Requires the General Assembly to maintain permanent and separate Transportation Funds to include the Commonwealth Transportation Fund, Transportation Trust Fund, Highway Maintenance and Operating Fund, and other funds established by general law for transportation. All revenues dedicated to Transportation Funds on January 1, 2011, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds, unless the General Assembly by general law, other than a general appropriation law, alters the revenues dedicated to the Funds. The amendment limits the use of Fund moneys to transportation and related purposes. The General Assembly may borrow from the Funds for other purposes only by a vote of two-thirds plus one of the members voting in each house, and the loan must be repaid with reasonable interest by the end of the fourth fiscal year following the date of the borrowing.

Patrons: Oder, Cox, J.A., Miller, J.H., Pollard and Wright

HJ 67 Constitutional amendment; Transportation Funds (first resolution).

Proposing an amendment to the Constitution of Virginia by adding in Article X a section numbered 7-B, relating to special funds for transportation purposes.

Summary as introduced:

Constitutional amendment (first resolution); Transportation Funds. Requires the General Assembly to maintain permanent and separate Transportation Funds to include the Commonwealth Transportation Fund, Transportation Trust Fund, and Highway Maintenance and Operating Fund. All revenues dedicated to Transportation Funds on January 1, 2009, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds, unless the General Assembly by general law, other than a general appropriation law, alters the revenues dedicated to the Funds. The amendment limits the use of Funds moneys to transportation and related purposes. The General Assembly may borrow from the Funds for other purposes only by a vote of two-thirds plus one of the members voting in each house, and the loan or reduction must be repaid with reasonable interest within four years.

Patron: Marshall, R.G.

HJ 69 Constitutional amendment; Transportation Funds (first reference).

Proposing an amendment to the Constitution of Virginia by adding in Article X a section numbered 7-B, relating to special funds for transportation purposes.

Summary as introduced:

Constitutional amendment (first resolution); Transportation Funds. Requires the General Assembly to maintain permanent and separate Transportation Funds to include the Commonwealth Transportation Fund, Transportation Trust Fund, Highway Maintenance and Operating Fund, and other funds established by general law for transportation. All revenues dedicated to Transportation Funds on January 1, 2011, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds. The General Assembly by general law, other than a general appropriation law, may alter the revenues dedicated to the Funds. The amendment limits the use of Fund moneys to transportation and related purposes. The General Assembly may borrow from the Funds for other purposes only by a vote of two-thirds plus one of the members voting in each house, and the loan must be repaid with reasonable interest within four years. Moneys designated for deposit into funds other than Transportation Funds shall not be used for any transportation-related purpose except for making certain debt service payments on transportation-related bonds and notes.

Patron: Watts

HJ 86 Constitutional amendment; Transportation Trust Fund (first reference).

Proposing an amendment to the Constitution of Virginia by adding in Article X a section numbered 7-B, relating to the Transportation Trust Fund.

Summary as introduced:

Constitutional amendment (first resolution); Transportation Trust Fund. Provides that the Transportation Trust Fund established in 1986 will be a permanent fund and receive all revenues generated by the 1986 package of tax and fee increases and any later enactments dedicating additional revenues to the Fund. The amendment limits the use of Trust Fund moneys to purposes of highway construction, maintenance, and improvements; public transportation; railways; seaports; and airports. The General Assembly may use fund proceeds for other purposes only by a two-thirds vote of the members in each house and, fund proceeds thus approved for other purposes must be repaid to the Fund within three years.

Patrons: Marshall, D.W. and Merricks

SJ 100 Constitutional amendment; Transportation Funds (first reference).

Proposing an amendment to the Constitution of Virginia by adding in Article X a section numbered 7-B, relating to special funds for transportation purposes.

Summary as introduced:

Constitutional amendment (first resolution); Transportation Funds. Requires the General Assembly to maintain permanent and separate Transportation Funds to include the Commonwealth Transportation Fund, Transportation Trust Fund, Highway Maintenance and Operating Fund, Priority Transportation Fund, and other funds established by general law for transportation. All revenues dedicated to Transportation Funds on January 1, 2013, by general law, other than a general appropriation law, shall be deposited to the Funds, unless the General Assembly by general law, other than a general appropriation law, alters the revenues dedicated to the Funds. The amendment limits the use of Fund moneys to transportation and related purposes. The General Assembly may borrow from the Funds for other purposes only by a vote of two-thirds plus one of the members voting in each house, and the loan must be repaid with reasonable interest within four years.

Patron: Newman

2. Failed Bills (0)

E. Weight Limits

1. Bills Still Alive (1)

HB 473 Weight limits for trucks hauling gravel, etc.; repeals sunset for those in coal-producing counties.

A BILL to amend and reenact § 46.2-1143 of the Code of Virginia, relating to maximum weight limits for certain trucks.

Summary as introduced:

Weight limits for trucks hauling gravel, etc. Repeals the July 1, 2010, "sunset" on increased weight limits applicable to trucks hauling gravel and certain other cargoes in coal-producing counties.

Patrons: Carrico; Senator: Puckett

2. Failed Bills (1)

HB 1068 Overweight vehicles; penalties.

A BILL to amend and reenact § 46.2-1131 of the Code of Virginia, relating to overweight vehicle penalties.

Summary as introduced:

Overweight vehicle penalties. Provides that, in assessing penalties for vehicles whose weight exceeds that authorized in an overweight permit issued for the vehicle, the amount of the penalty is to be based on the amount by which the weight of the vehicle exceeds that authorized by the permit, not the amount by which its weight exceeds the weight limit that would have been applicable had no overweight permit been issued.

Patron: Athey

F. Architects, Engineers & Contractors

1. Bills Still Alive (0)

2. Failed Bills (1)

HB 1258 Construction contracts; indemnification provisions.

A BILL to amend and reenact § 11-4.1 of the Code of Virginia, relating to the validity of indemnification provisions in construction contracts.

Summary as introduced:

Indemnification provisions in construction contracts. Declares that a provision in a construction contract that requires the contractor to provide insurance coverage, or to name a party to the contract as an additional insured on a policy of insurance, for the purpose of providing an indemnity that is prohibited under current law, is void and unenforceable. The measure also provides that a provision in a construction contract by which the contractor purports to indemnify or hold harmless another party against liability for damage caused by independent contractors of the other party is void and unenforceable.

Patron: Albo

G. Procurements

1. Bills Still Alive (1)

HB 990 Web-based procurement program; DGS to establish a fee schedule for all procurement contracts.

A BILL to amend and reenact § 2.2-1102 of the Code of Virginia, relating to Department of General Services; powers and duties; fee for using web-based electronic procurement program.

Summary as introduced:

Department of General Services; powers and duties; web-based procurement program. Requires the Department of General Services to establish a fee schedule limited to 0.5 percent of the total purchase order for all procurement contracts made with its web-based electronic procurement program commonly known as "eVA." The bill also eliminates any vendor registration fee to participate in the program.

Patron: Nutter

2. Failed Bills (1)

HB 615 Public Procurement Act; small, women, minority, and service disabled veteran-owned businesses.

A BILL to amend and reenact § 2.2-4310 of the Code of Virginia, relating to the Virginia Public Procurement Act; small, women-owned, minority-owned, and service disabled veteran-owned business.

Summary as introduced:

Virginia Public Procurement Act; small, women-owned, minority-owned, and service disabled veteran-owned business. Provides that for the solicitation or awarding of contracts with small, women-owned, minority-owned, or service disabled veteran-owned businesses, all public bodies shall include in every such contract the following provision: "During the performance of this contract, the contractor agrees that no more than 20 percent of the contracted work will be subcontracted to any business that does not meet the definition of small, women-owned, minority-owned, or service disabled veteran-owned business, except where there is a bona fide occupational qualification reasonably necessary to the normal operation of the contractor. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth these requirements. The bill provides that notices, advertisements, and solicitations placed in accordance with federal law, rule, or regulation shall be deemed sufficient posting. The bill contains technical amendments.

Patron: Lohr

H. PPTA

1. Bills Still Alive (1)

HB 402 Hampton Roads Bridge-Tunnel; VDOT to accept unsolicited proposals to add physical capacity.

A BILL to require the Virginia Department of Transportation to accept unsolicited proposals to add physical capacity to the Hampton Roads Bridge-Tunnel.

Summary as introduced:

Hampton Roads Bridge-Tunnel; unsolicited proposals. Directs the Virginia Department of Transportation to accept unsolicited proposals to add capacity to the Hampton Roads Bridge-Tunnel.

Patron: Oder

2. Failed Bills (0)

I. Stormwater

1. Bills Still Alive (0)

2. Failed Bills (1)

HB 155 Stormwater management programs; delays for two years DCR's regulations governing (Incorporated into HB1220).

A BILL to amend and reenact the second enactment of Chapter 18 of the Acts of Assembly of 2009, relating to stormwater management programs.

Summary as introduced:

Stormwater management regulations. Delays for two years the Department of Conservation and Recreation's regulations governing the stormwater management program that were to be implemented on July 1, 2010.

Patrons: Dance and Hugo

J. Employment Issue

1. Bills Still Alive (0)

2. Failed Bills (0)

K. Wireless

1. Bills Still Alive (0)

2. Failed Bills (0)

L. Formula

1. Bills Still Alive (0)

2. Failed Bills (0)

M. All Other Bills (0)

1. Bills Still Alive (1)

HB 277 Washington Bypass transportation corridor; Transportation Board to establish.

A BILL to require the Commonwealth Transportation Board to establish a Washington Bypass transportation corridor.

Summary as introduced:

Washington Bypass transportation corridor. Requires the Commonwealth Transportation Board to establish a Washington Bypass transportation corridor.

Patrons: Albo and Rust

HB 280 Fraud to accomplish vote on union organization; person guilty of misdemeanor.

A BILL to amend the Code of Virginia by adding a section numbered 18.2-210.1, relating to use of fraud or artifice to accomplish vote on union organization.

Summary as introduced:

Use of fraud or artifice to accomplish vote on union organization. Any person who (i) knowingly and intentionally fails to provide full and complete information regarding the consequences of a signature or a vote or an affirmation by another, or (ii) by fraud, material artifice, trickery, or deception, causes or assists in causing a vote to be taken by non-union employees on whether to organize a union, is guilty of a Class 1 misdemeanor.

Patron: Albo

HB 848 Route 711; Buchanan County may enter into an agreement with Pike County, Kentucky to improve.

A BILL to authorize certain expenditures of coal and gas road improvement funds by Buchanan County.

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Summary as introduced:

Improvements to Route 711. Provides that Buchanan County may enter into an agreement with Pike County, Kentucky, to improve Route 711.

Patron: Morefield

HB 1309 Transportation Commissioner; procurement of certain professional services thereby.

A BILL to amend and reenact § 2.2-4301 of the Code of Virginia, relating to the Virginia Public Procurement Act; procurement of certain professional services by the Commonwealth Transportation Commissioner.

Summary as introduced:

Virginia Public Procurement Act; procurement of certain professional services by the Commonwealth Transportation Commissioner. Increases from \$2 million to \$5 million the amount of all projects in one contract term for environmental location, design, and inspection work regarding highways and bridges awarded by the Commonwealth Transportation Commissioner. Such contract may be renewable for two additional one-year terms at the option of the Commissioner.

Patron: Scott, E.T.

SB 371 Route 711; Buchanan County may enter into an agreement with Pike County, Kentucky to improve.

A BILL to authorize certain expenditures of coal and gas road improvement funds by Buchanan County.

Summary as introduced:

Improvements to Route 711. Provides that Buchanan County may enter into an agreement with Pike County, Kentucky, to improve Route 711.

Patron: Puckett

2. Failed Bills (0)

II. OPPOSE

A. Environmental

- 1.** Bills Still Alive (0)
- 2.** Failed Bills (1)

HB 948 HOT lanes; VDOT to conduct a NEPA study prior to construction on any portion of I-95 or I-395.

A BILL to require the conduct of a study under the National Environmental Policy Act prior to construction of certain high-occupancy toll lanes.

Summary as introduced:

HOT lanes. Requires VDOT to conduct a NEPA study prior to any HOT lane construction on any portion of I-95 or I-395.

Patrons: Englin, Ebbin and Kory

B. VDOT

- 1.** Bills Still Alive (6)

HB 418 Transportation Board; rules and regulations.

A BILL to amend and reenact § 33.1-19 of the Code of Virginia, relating to Commonwealth Transportation Board; rules and regulations.

Summary as introduced:

Commonwealth Transportation Board; rules and regulations. Provides that any rules and regulations promulgated by the Commonwealth Transportation Board shall be developed in accordance with the Administrative Process Act.

Patron: Oder

HB 542 Minority Business Enterprise, Department of; includes retired military personnel-owned business.

A BILL to amend and reenact §§ 2.2-1401, 2.2-1402, 2.2-1403, 2.2-1404, 2.2-1405, 2.2-3705.6, 2.2-4310, 15.2-965.1, and 18.2-213.1 of the Code of Virginia, relating to the Department of Minority Business Enterprise; certification of small, women-owned, or minority-owned businesses; inclusion of retired military personnel-owned businesses.

Summary as introduced:

Department of Minority Business Enterprise; certification of small, women-owned, or minority-owned businesses; inclusion of retired military personnel-owned businesses. Includes retired military personnel-owned business in the procurement opportunities and certification process currently in place for small, women-owned, and minority-owned businesses.

Patron: Marshall, D.W.

HB 543 Prisoners; use to maintain medians or other nontraveled portions of state highways.

A BILL to amend and reenact § 53.1-56 of the Code of Virginia, relating to construction and maintenance of highways; grass cutting.

Summary as introduced:

Prisoners; maintenance of highways; grass cutting. Authorizes the use of prisoner labor to maintain the medians or other nontraveled portions of state highways.

Patrons: Marshall, D.W. and Merricks

HB 818 Commonwealth Transportation Board (CTB); composition.

A BILL to amend and reenact §§ 33.1-1 and 33.1-2 of the Code of Virginia, relating to composition of the Commonwealth Transportation Board.

Summary as introduced:

Commonwealth Transportation Board (CTB); composition. Changes the composition of the CTB: one will be appointed from each of Virginia's 11 Congressional Districts (as they were on January 1, 2010, four more will be at-large appointees: one representing seaports, one representing aviation, one representing railroads, and one representing mass transit; the three ex-officio members remain unchanged.

Patrons: Surovell, Alexander, BaCote, Brink, Bulova, Dance, Englin, Herring, Hope, Keam, Kory, McClellan, McQuinn, Miller, P.J., Morrissey, Plum, Scott, J.M., Torian, Tyler and Watts; Senators: Marsden, Petersen, Puller and Ticer

SB 103 Transportation, Chief Executive Officer for; abolishes office of Transportation Commissioner.

A BILL to amend and reenact §§ 2.2-200, 2.2-204, 2.2-211, 2.2-229, 2.2-306, 2.2-2423, 5.1-1, 5.1-2.1, 5.1-7, 5.1-9.9, 5.1-30.9, 5.1-39, 10.1-1425.8, 15.2-968.1, 15.2-2030, 15.2-2222.1, 15.2-2272, 15.2-3530, 15.2-3534, 15.2-4832, 15.2-5114, 15.2-5146, 22.1-129, 25.1-108, 25.1-109, 25.1-209, 25.1-229, 33.1-1, 33.1-2, 33.1-3, 33.1-221.1:1.1, 33.1-221.1:8, 33.1-351, 33.1-391.2, 33.1-391.3:1, 33.1-391.5, 46.2-200, 46.2-206, 46.2-223, 46.2-224, 46.2-302, 46.2-373, 46.2-675, 46.2-819.1, 46.2-873.1, 46.2-877, 46.2-878, 46.2-881, 46.2-883, 46.2-930, 46.2-932, 46.2-1104, 46.2-1109, 46.2-1110, 46.2-1112, 46.2-1144.1, 46.2-1145, 46.2-1223, 46.2-1307, 46.2-1307.1, 53.1-58, 55-201.1, 56-27, 56-28, 56-29, 56-32, 56-366.1, 56-366.3, 56-369, 56-405, 56-405.1, 56-405.2, 56-406.1, 56-406.2, 56-458.1, 56-573.1, and 63.2-611 of the Code of Virginia; and to repeal § 2.2-228 and § 5.1-2.3 of the Code of Virginia, relating to the offices of Secretary of Transportation, Chief Executive Officer for Transportation, Commonwealth Transportation Commissioner, Director of the Department of Aviation, and Director of the Department of Rail and Public Transportation.

Summary as introduced:

Chief Executive Officer for Transportation. Abolishes the office of Commonwealth Transportation Commissioner and replaces that position with a Chief Executive Officer for Transportation who takes over the powers, duties, and responsibilities of the Commonwealth Transportation Commissioner, the Director of the Department of Aviation, and the Director of the Department of Rail and Public Transportation. The Virginia Board of Aviation and the Rail Advisory Board are also abolished, and their functions transferred to the Commonwealth Transportation Board. The composition of the Commonwealth Transportation Board is changed to remove the Secretary of Transportation, the Commonwealth Transportation Commissioner, and the Director of the Department of Rail and Public Transportation, and to provide for election of the at-large members of the Board by the General Assembly.

Patrons: McDougale and Martin

SB 255 Commonwealth Transportation Board; rules and regulations.

A BILL to amend and reenact § 33.1-19 of the Code of Virginia, relating to Commonwealth Transportation Board; rules and regulations.

Summary as introduced:

Commonwealth Transportation Board; rules and regulations. Provides that any rules and regulations promulgated

by the Commonwealth Transportation Board shall be developed in accordance with the Administrative Process Act.

Patron: Miller, Y.B.

2. Failed Bills (1)

HB 1223 HOT lanes; requires shoulder widths are sufficient for safe operation of transit vehicles.

A BILL to amend and reenact § 33.1-56.2 of the Code of Virginia, relating to designation of high-occupancy toll lanes.

Summary as introduced:

HOT lanes. Requires that, in designating HOT lanes, lane shoulder widths are sufficient for safe operation of transit vehicles and levels of performance of existing HOV facilities do not deteriorate. The bill further mandates that local governments' concerns with congestion at points of access and egress and on parallel local streets are openly and meaningfully addressed.

Patron: Ebbin

C. Funding

1. Bills Still Alive (1)

SB 401 Local government; use of county tax revenue for secondary road improvements.

A BILL to amend and reenact § 15.2-826 of the Code of Virginia, relating to urban county executive form of government; use of county tax revenue for secondary road improvements.

Summary as introduced:

Urban county executive form of government; use of county tax revenue for secondary road improvements.

Provides that Fairfax County (described by optional form of county government) may by ordinance for any fiscal year choose to retain its portion of the retail sales and use tax that is otherwise remitted to the Commonwealth for transportation purposes. The director of finance shall have such funds held in escrow by the county for purposes of secondary road improvements.

Patron: Petersen

2. Failed Bills (1)

HB 1047 Commonwealth Mass Transit Fund; increases percentage of Transportation Trust Fund revenues in.

A BILL to amend and reenact §§ 33.1-23.03:2 and 58.1-2425 of the Code of Virginia, relating to allocations from the Transportation Trust Fund to the Commonwealth Mass Transit Fund.

Summary as introduced:

Commonwealth Mass Transit Fund. Increases the percentage of Transportation Trust Fund revenues flowing into the Commonwealth Mass Transit Fund from 14.7 to 19 percent.

Patrons: Kory, Hope and Scott, J.M.

D. Constitutional

1. Bills Still Alive (0)
2. Failed Bills (0)

E. Weight Limits

1. Bills Still Alive (0)
2. Failed Bills (3)

HB 37 Overload and overweight permits; fees established by Commissioner.

A BILL to amend and reenact §§ 46.2-685, 46.2-1128, 46.2-1141, 46.2-1142, 46.2-1142.1, 46.2-1143, 46.2-1143.1, 46.2-1144, 46.2-1144.1, 46.2-1147, 46.2-1149, 46.2-1149.1, and 46.2-1149.4 of the Code of Virginia; to amend the Code of Virginia by adding a section numbered 46.2-1139.2; and to repeal § 46.2-1149.3 of the Code of Virginia, the second enactment, as amended, of Chapter 738 of the Acts of Assembly of 2007, and the second enactment, as amended, of Chapter 864 of the Acts of Assembly of 2008, relating to vehicle overweight and overload permits; fees.

Summary as introduced:

Overload and overweight permits; fees. Revises the fees for vehicle overload and overweight permits to conform to recommendations of the Virginia Transportation Research Council.

Patron: Marshall, R.G.

HB 480 Public-Private Transportation Act of 1995; CTB to conduct third party audits of agreements executed.

A BILL to amend and reenact § 33.1-12 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 56-560.1 and 56-566.3, relating to the Public-Private Transportation Act of 1995.

Summary as introduced:

Public-Private Transportation Act. Requires the Commonwealth Transportation Board to conduct third party audits of agreements executed under the Public-Private Transportation Act. Under the bill, the audits will consist of a review of the bidding process and certain other summary information regarding each project. The bill requires responsible public entities proceeding under the Act to advertise in the area where the project will be located to encourage participation by local small contractors. In addition, the bill (i) provides that contracts must be rebid if a change order exceeds 25 percent or one million dollars over the original contract amount, (ii) limits agreements under the act from extending more than two years past the original completing date without being rebid, and (iii) requires all agreements to include standard small, women-owned and minority-owned participation components of 30 percent as of July 1, 2010.

Patrons: Carrico; Senator: Reynolds

SB 212 Overload and overweight permits; Transportation Board, et al. to establish new schedule of fees.

A BILL to amend and reenact §§ 46.2-652, 46.2-653, 46.2-685, 46.2-1128, 46.2-1141, 46.2-1142, 46.2-1142.1, 46.2-1143, 46.2-1143.1, 46.2-1144, 46.2-1144.1, 46.2-1147, 46.2-1149, 46.2-1149.1, and 46.2-1149.4 of the Code of Virginia, to amend the Code of Virginia by adding a section numbered 46.2-1139.2, and to repeal § 46.2-1149.3 of the Code of Virginia, the second enactment, as amended, of Chapter 738 of the Acts of Assembly of 2007, and the second enactment, as amended, of Chapter 864 of the Acts of Assembly of 2008, relating to temporary vehicle registration; overweight and overload permits; fees.

Summary as introduced:

Overload and overweight permits; fees. Requires the Commonwealth Transportation Board, in consultation with the Commissioner of the Department of Motor Vehicles, to establish a new schedule of fees for issuance of overweight and overload vehicle permits. Such fees shall not apply to all vehicles hauling cargoes subject to a coal or gas severance tax.

Patron: Barker

F. Architects, Engineers & Contractors

1. Bills Still Alive (0)

2. Failed Bills (1)

HB 1008 Contractors, Board for; license renewal and continuing education for contractors.

A BILL to amend and reenact § 54.1-1109 of the Code of Virginia, relating to the Board for Contractors; license renewal; continuing education for contractors.

Summary as introduced:

Board for Contractors; license renewal; continuing education for contractors. Authorizes the Board for Contractors to establish in its regulations a requirement for the successful completion of a course on building codes, not to exceed three hours of classroom instruction, as a prerequisite to renewal of any license. The Board may approve such courses as it deems appropriate.

Patron: Athey

G. Procurements

1. Bills Still Alive (9)

HB 519 Minority Business Enterprise, Department of; enhancement measures for small, women-owned, etc.

A BILL to amend and reenact §§ 2.2-1402 and 2.2-4310 of the Code of Virginia, relating to the state procurement; implementation of remedial or enhancement measures for small, women-owned, and minority-owned businesses.

Summary as introduced:

Virginia Public Procurement Act; Department of Minority Business Enterprise; implementation of remedial or enhancement measures for small, women-owned, and minority-owned businesses. Includes women-owned and minority-owned businesses in considerations for procurement enhancements or remedies established consistent with prevailing law. The bill also authorizes the Department of Minority Business Enterprises to enforce the implementation of the appropriate enhancements or remedial measures.

Patron: Morrissey

HB 737 E-Verify Program; requires state agencies, public contractors, localities & employers to enroll.

A BILL to amend the Code of Virginia by adding in Chapter 1 of Title 40.1 a section numbered 40.1-11.2, relating to participation in E-Verify program.

Summary as introduced:

E-Verify Program. Requires agencies of the Commonwealth, public contractors, localities, and employers with 15 or more employees within the Commonwealth to enroll in the E-Verify Program by December 1, 2010, and to use the Program for each newly hired employee who is to perform work within the Commonwealth. Employers and contractors that fail to do so are subject to suspension or revocation of certain licenses. Licenses will be reinstated when a business establishment enrolls in the Program or, if already enrolled but not using the Program, prepares and implements a compliance plan.

Patron: Albo

HB 768 Political contributions; prohibition during procurement process.

A BILL to amend the Code of Virginia by adding in Chapter 9.3 of Title 24.2 a section numbered 24.2-945.3, relating to political contributions; prohibition during procurement process.

Summary as introduced:

Political contributions; prohibition during procurement process. Provides that no bidder or offeror, or person acting on his behalf, who has submitted a bid or proposal for the award of a public contract with an expected value of \$1 million or more pursuant to the Virginia Public Procurement Act shall make, directly or indirectly, a contribution to any campaign committee, political action committee, or political party committee during the period between the submission of the bid or proposal and the award of the contract. A person who violates this prohibition shall be subject to a civil penalty of up to two times the amount of the contribution.

Patron: Cleaveland

HB 789 Public Procurement Act; increases cost of construction for which state or local public body may use.

A BILL to amend and reenact § 2.2-4303 of the Code of Virginia, relating to the Virginia Public Procurement Act; methods of procurement.

Summary as introduced:

Virginia Public Procurement Act; methods of procurement. Increases from \$1 million to \$10 million the cost of a construction contract for which a state or local public body may use competitive negotiation instead of competitive bidding to procure the construction.

Patron: Villanueva

HB 1279 Public Procurement Act; certain amount of contracts to be awarded to small, etc., businesses.

A BILL to amend and reenact § 2.2-1402 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 2.2-4310.1, relating to the Virginia Public Procurement Act; small, women-owned, or minority-owned businesses.

Summary as introduced:

Virginia Public Procurement Act; small, women-owned, or minority-owned businesses. Requires the Department of General Services, in conjunction with the Department of Minority Business Enterprise, to develop a program that insures that at least 15 percent of state procurement contracts are awarded to small, women-owned, and minority-owned businesses located in historically underutilized business zones (HUB Zone) that meet certain requirements. The bill defines HUB Zone.

Patron: McClellan

SB 225 Public Procurement Act; verification of legal presence for employment in U.S.

A BILL to amend and reenact § 2.2-4317 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 2.2-4308.2, relating to the Virginia Public Procurement Act; verification of eligibility for employment in the United States.

Summary as introduced:

Public Procurement Act; verification of legal presence. Requires all public contractors and their subcontractors to register and participate in a federal Electronic Work Verification Program or similar electronic verification of work authorization program to determine that their employees and individual independent contractors are legally eligible for employment in the United States. Contractors and subcontractors are required to verify the employment status of their employees and independent contractors, and are prohibited from employing or contracting with an individual who is not determined to be legally eligible for employment in the United States as determined through the verification of the individual's status. Contractors who do not register and participate in the registration program are ineligible for prequalification.

Patron: Barker

SB 378 Historically Underutilized Business Zones (HUB Zones); established.

A BILL to amend and reenact § 2.2-1402 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 2.2-4310.1, relating to the Virginia Public Procurement Act; establishment of Historically Underutilized Business Zones (HUB Zones) in the state.

Summary as introduced:

Virginia Public Procurement Act; establishment of Historically Underutilized Business Zones (HUB Zones) in the state. Requires the Department of General Services, in conjunction with the Department of Minority Business Enterprise, to develop a program that insures that at least 15 percent of state procurement contracts are awarded to small, women-owned, and minority-owned businesses located in historically underutilized business zones (HUB Zones). The bill defines HUB Zone.

Patron: Puckett

SB 506 Political contributions; prohibition during procurement process.

A BILL to amend the Code of Virginia by adding in Article 1 of Chapter 9.3 of Title 24.2 a section numbered 24.2-945.3, relating to political contributions; prohibition during procurement process.

Summary as introduced:

Political contributions; prohibition during procurement process. Provides that no bidder or offeror, controlling person of a bidder or offeror, or person acting on behalf of a bidder or offeror, who has submitted a bid or proposal for the award of a public contract with an expected value of \$1 million or more pursuant to the Virginia Public Procurement Act shall make, directly or indirectly, a contribution to any campaign committee, political action committee, or political party committee during the period between the submission of the bid or proposal and the award of the contract. A person who violates this prohibition shall be subject to a civil penalty of up to two times the amount of the contribution.

Patron: Smith

SB 658 Historically Underutilized Business Zones (HUB Zones); established.

A BILL to amend and reenact § 2.2-1402 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 2.2-4310.1, relating to the Virginia Public Procurement Act; establishment of Historically Underutilized Business Zones (HUB Zones) in the state.

Summary as introduced:

Virginia Public Procurement Act; establishment of Historically Underutilized Business Zones (HUB Zones) in the state. Requires the Department of General Services to develop a program that insures that at least 15 percent of state procurement contracts are awarded to small businesses located in historically underutilized business zones (HUB Zones). The bill defines HUB Zone.

Patron: Ruff

2. Failed Bills (0)

H. PPTA

1. Bills Still Alive (0)
2. Failed Bills (1)

HB 969 PPTA; preconditions to certain comprehensive agreements.

A BILL to amend and reenact § 56-559 of the Code of Virginia, relating to prerequisites to certain comprehensive agreements entered into pursuant to the Public-Private Transportation Act of 1995.

Summary as introduced:

PPTA; preconditions to certain comprehensive agreements. Requires that highway construction projects of \$100 million or more undertaken under the PPTA have prior approval from the General Assembly. The bill further requires that any proposed PPTA contract involving HOT lanes be subject to an explicit evaluation comparing its impact with a mass-transit-based alternative.

Patrons: Englin, Ebbin and Kory

I. Stormwater

1. Bills Still Alive (0)
2. Failed Bills (0)

J. Employment Issue

1. Bills Still Alive (2)

SB 34 Worker Misclassification Act; created.

A BILL to amend the Code of Virginia by adding in Chapter 3 of Title 40.1 an article numbered 1.2, consisting of sections numbered 40.1-28.13 through 40.1-28.22, relating to the failure to properly classify employees; Worker Misclassification Act; penalties.

Summary as introduced:

Worker Misclassification Act; penalties. Prohibits an employer from classifying an individual as an independent contractor if he is an employee. An individual shall be considered an employee of the party which pays that remuneration, for purposes of Titles 40.1 (Labor and Employment), 60.2 (Unemployment Compensation), and 65.2 (Workers' Compensation) unless and until it is shown to the satisfaction of the Department of Labor and Industry that (i) the individual has been and will continue to be free from direction and control of the employer, both under his contract of service and in fact, (ii) the service is outside the usual course of the business of the employer, and (iii) the individual is customarily engaged in an independently established trade, occupation, profession, or business, both under his contract of service and in fact. Discrimination or taking adverse action against any person in retaliation for exercising rights protected under this measure is also prohibited. Violators are subject to criminal penalties, civil penalties, debarment from public contracts, private actions, and stop-work orders.

Patron: Lucas

SB 377 Workplace Fraud Act; established.

A BILL to amend the Code of Virginia by adding in Chapter 3 of Title 40.1 an article numbered 1.2, consisting of sections numbered 40.1-28.13 through 40.1-28.31, relating to the failure to properly classify employees; Workplace Fraud Act.

Summary as introduced:

Workplace Fraud Act. Establishes penalties for employers providing construction services that wrongly classify their employees as independent contractors. The measure authorizes the Commissioner of Labor and Industry to initiate an investigation under specified circumstances to determine whether specified violations occurred, requires the Commissioner to enforce specified provisions by issuing citations, and establishes the method of determining whether an employer-employee relationship exists for purposes of proper classification under specified circumstances. The measure imposes civil penalties on employers who violate its provisions.

Patron: Puckett

2. Failed Bills (0)

K. Wireless

1. Bills Still Alive (0)

2. Failed Bills (0)

L. Formula

1. Bills Still Alive (0)

2. Failed Bills (0)

M. All Other Bills

1. Bills Still Alive (0)

2. Failed Bills (0)

III. MONITOR

A. Environmental

1. Bills Still Alive (3)

HB 696 Surface & groundwaters; Water Control Board impose penalty when failure to report water withdrawal.

A BILL to amend and reenact § 62.1-44.38 of the Code of Virginia, relating to requiring the reporting of water withdrawals from surface waters and groundwater; penalty.

Summary as introduced:

Reporting of water withdrawals. Authorizes the State Water Control Board to impose a civil penalty, not to exceed \$1,000, upon any person who fails to register and report certain water withdrawal information. However prior, to determining whether a civil penalty should be assessed, the Board is required to give the permit holder 60 days to come into compliance with the reporting requirement. A violator also has the option of entering into a consent agreement with the Board and pay a civil charge that could be less than the \$1,000 penalty. Any person who withdraws more than one million gallons in any single month for crop irrigation or who withdraws during any single month a daily average 10,000 gallons per day is required to be registered and report the amount of his withdrawals. The revenue generated from the civil penalties and charges will be deposited in a special fund that can be used solely to fund the Department of Environmental Quality's water supply planning responsibilities.

Patrons: Bulova, Morgan and Abbitt; Senator: Ticer

HB 1137 Groundwater withdrawal permit fees; increases maximum amount State Water Control Board can charge.

A BILL to amend and reenact § 62.1-44.15:6 of the Code of Virginia, relating to ground water withdrawal permit fee.

Summary as introduced:

Ground water withdrawal permit fees. Increases the maximum amount that the State Water Control Board can charge for a permit to withdraw ground water from \$6,000 to \$12,000. The term of a ground water permit is up to 10 years. The State Water Control Board is also authorized to set up a fee schedule to allow permit holder to pay their permit fees on an annual basis over the term of the permit.

Patrons: Morgan and Abbitt; Senator: Ticer

SB 128 Air Pollution Control Board; regulations under Clean Air Interstate Rule.

A BILL to amend and reenact § 10.1-1328 of the Code of Virginia, relating to the Air Pollution Control Board; regulations under the Clean Air Interstate Rule.

Summary as introduced:

Air Pollution Control Board; regulations under the Clean Air Interstate Rule. Retains the authority of the Air Pollution Control Board to provide for participation in the EPA-administered cap and trade system for NOx and SO2 to the fullest extent permitted by federal law, but prohibits the Board from requiring that electric generating facilities located in a nonattainment area meet NOx and SO2 compliance obligations without the purchase of allowances from in-state or out-of-state facilities.

Patrons: McDougle, Blevins, Hanger, Obenshain, Puckett, Reynolds, Ruff, Stuart and Watkins

2. Failed Bills (1)

HB 25 Greenhouse gas emissions; Statewide Transportation Plan to include quantifiable measures and goals.

A BILL to amend and reenact § 33.1-23.03 of the Code of Virginia, relating to the Statewide Transportation Plan.

Summary as introduced:

Statewide Transportation Plan. Requires that the Statewide Transportation Plan include quantifiable measures and achievable goals for greenhouse gas emissions.

Patron: Herring

B. VDOT

1. Bills Still Alive (11)

HB 197 Secondary highway system; requirements for taking new streets into system.

A BILL to amend and reenact § 33.1-70.3 of the Code of Virginia, relating to taking new streets into the state secondary highway system.

Summary as introduced:

Acceptance of subdivision streets into state secondary highway system. Provides that the Virginia Department of Transportation will allow the acceptance of any street within a network addition that meets the public service requirement of three or more occupied dwelling units.

Patron: Ware, R.L.

HB 222 Secondary highway system; Secretary of Transportation to develop design standards for urban areas.

A BILL to amend the Code of Virginia by adding a section numbered 33.1-69.001, relating to design standards for state secondary highway system components.

Summary as introduced:

Secondary highway system design standards. Requires the Secretary of Transportation to develop new secondary system design standards to be used in urban areas.

Patrons: Watts, Bulova, Herring, Keam, Kory, Plum, Scott, J.M., Sickles and Surovell; Senators: Barker, Howell, Petersen and Ticer

HB 485 State agencies; financial and management review.

A BILL to amend the Code of Virginia by adding a section numbered 2.2-108.1, relating to the Governor; performance review.

Summary as introduced:

Financial and management review of all state agencies. Directs the Governor to initiate on July 1, 2010, an operational and programmatic performance review of (i) the agencies under the Secretary of Health and Human Resources and the Secretary of Public Safety, (ii) the Department of Transportation, (iii) the Department of Education, including primary and secondary education funded by the Commonwealth, and (iv) any other department, agency, or program of the Commonwealth in the executive branch of state government that the Governor deems necessary to effect savings in expenditures, a reduction in duplication of effort, and programmatic efficiencies in the operation of state government. The review shall be concluded by December 1, 2011. The review shall be conducted by a private management consulting firm. The goal of the review is to effect savings in expenditures, a reduction in duplication of effort, and programmatic efficiencies in the operation of state government.

Patrons: Lingamfelter and Anderson

HB 631 Commonwealth Transportation Commissioner; advertising for bids.

A BILL to amend and reenact §§ 33.1-185 and 33.1-190 of the Code of Virginia, relating to transportation projects; Commonwealth Transportation Commissioner.

Summary as introduced:

Commonwealth Transportation Commissioner; advertising for bids; construction. Provides that the Commonwealth Transportation Commissioner may let projects costing below \$300,000 to contract. The bill further provides that the Commissioner may, at his discretion, build or maintain any of the roads by state or local employees as he may designate, in cases of emergency or on projects costing not more than \$600,000.

Patron: Scott, E.T.

HB 779 Northern Virginia transportation projects; VDOT to evaluate and make periodic reports.

A BILL to amend the Code of Virginia by adding a section numbered 33.1-13.03, relating to evaluation of transportation projects in the Northern Virginia highway construction district; reports.

Summary as introduced:

Northern Virginia transportation projects. Requires VDOT to evaluate and make periodic reports on transportation improvement projects in the Northern Virginia highway construction district.

Patrons: LeMunyon, Comstock, Hugo, Kory and Rust

HB 1131 Commonwealth Transportation Board (CTB); formulas for allocating funds.

A BILL to amend and reenact §§ 33.1-1, 33.1-2, 33.1-23.2, 33.1-23.3, and 33.1-23.4 of the Code of Virginia, relating to composition of the Commonwealth Transportation Board; formulas for allocating highway construction funds to the primary, secondary, and urban highway systems.

Summary as introduced:

Composition of Commonwealth Transportation Board (CTB); formulas for allocating primary, urban, and secondary highway system construction funds. Adds one member from the Northern Virginia highway construction district to the CTB. The bill also provides for allocation of highway construction funds within primary, urban, and secondary systems by the CTB on the basis of (i) population, (ii) traffic congestion, (iii) ambient air quality, (iv) functional classifications of highways, and (v) other important objectives as determined by the CTB, with each such factor being given equal weight.

Patrons: Keam and Kory

HB 1158 Regional VDOT construction accounts; established.

A BILL to amend the Code of Virginia by adding a section numbered 33.1-23.02:1, relating to establishment of regional accounts to be used by the Commonwealth Transportation Board for allocation of funds for specific transportation projects within the region wherein the revenue is generated.

Summary as introduced:

Regional VDOT construction accounts. Provides for the establishment of regional accounts to be used by the Commonwealth Transportation Board for allocation of funds for specific transportation projects within the region wherein the revenue is generated. This system of allocation is to be in addition to and not a replacement for other transportation construction fund allocation formulas.

Patrons: Oder and Villanueva

SB 201 Auditor of Public Accounts; performance audit of State's transportation programs, report.

A BILL to amend the Code of Virginia by adding a section numbered 30-134.1, relating to performance audit of transportation programs by Auditor of Public Accounts.

Summary as introduced:

Auditor of Public Accounts. Requires the Auditor of Public Accounts to perform a performance audit of the Commonwealth's transportation programs.

Patron: Blevins

SB 254 Commonwealth Transportation Commissioner; advertising for bids.

A BILL to amend and reenact §§ 33.1-185 and 33.1-190 of the Code of Virginia, relating to transportation projects; Commonwealth Transportation Commissioner.

Summary as introduced:

Commonwealth Transportation Commissioner; advertising for bids; construction. Provides that the Commonwealth Transportation Commissioner may let projects costing below \$300,000 to contract. The bill further provides that the Commissioner may, at his discretion, build or maintain any of the roads by state or local employees as he may designate, in cases of emergency or on projects costing not more than \$600,000.

Patron: Miller, Y.B.

SB 318 Subdivision ordinance; dedication of public improvements.

A BILL to amend and reenact § 15.2-2241 of the Code of Virginia, relating to provisions of a subdivision ordinance.

Summary as introduced:

Subdivision ordinance; dedication of public improvements. Expands the manner by which a developer may provide financial assurances to a locality prior to a locality accepting the dedication of public improvements.

Patron: Ruff

SB 351 Transportation programs; performance audit by Secretary of Transportation, report.

A BILL to provide for a performance audit of transportation programs to be contracted for by the Secretary of Transportation.

Summary as introduced:

Transportation programs; performance audit by Secretary of Transportation. Requires the Secretary of Transportation to arrange for a performance audit of the Commonwealth's transportation programs.

Patrons: Obenshain; Delegate: Bell, Richard P.

2. Failed Bills (5)

HB 510 State Inspector General; established.

A BILL to amend and reenact § 2.2-3705.3 of the Code of Virginia and to amend the Code of Virginia by adding in Title 2.2 a chapter numbered 3.2, consisting of sections numbered 2.2-307 through 2.2-313, relating to the State Inspector General.

Summary as introduced:

State Inspector General. Establishes the Office of the State Inspector General to examine the management and operation of state agencies and nonstate agencies that receive state funds, conduct independent evaluations of the programs and activities of such agencies, and investigate complaints alleging fraud, waste, abuse, or corruption by state officers and state employees. A record exemption from the Freedom of Information Act is also provided for

investigative notes, correspondence, and information furnished in confidence to the State Inspector General during the investigation of a complaint.

Patron: Brink

HJ 63 State government efficiency; joint subcommittee to study.

Establishing joint subcommittees to study state government efficiency at the secretariat level to identify monetary savings, changes in management practices, and elimination, realignment, or consolidation of programs or activities. Report.

Summary as introduced:

Study; state government efficiency; report. Establishes a joint subcommittee to review each of the ten organizational secretariats of state government to identify efficiencies and determine specific operational areas where savings may be realized among the agencies within individual secretariat, including identifying (i) monetary savings among agencies within the secretariat, (ii) changes in management practices among agencies within the secretariat, and (iii) specific actions involving elimination, realignment, or consolidation of programs or activities within the secretariat.

Patrons: Marshall, R.G. and Cole

HJ 80 Zero-based budgeting; joint subcommittee to study implementing to determine its utility in State.

Establishing a joint subcommittee to study implementing zero-based budgeting to determine its utility in the Commonwealth. Report.

Summary as introduced:

Study; zero-based budgeting; report. Establishes a joint subcommittee to study implementing zero-based budgeting to determine its utility in the Commonwealth. The joint subcommittee shall identify a limited number of state agencies to implement zero-based budgeting, determine if cost savings from this budget technique could be realized, and make recommendations about the implementation of zero-based budgeting by all state agencies.

Patrons: Bell, Richard P. and Cole

SB 365 HOT lane construction contracts; requirements for minimum average speed for vehicles using facility.

A BILL to amend the Code of Virginia by adding a section numbered 33.1-56.2:1, relating to mandatory provisions for high-occupancy toll lane construction contracts.

Summary as introduced:

HOT lane construction contracts. Requires that HOT lane construction contracts contain requirements for minimum average speed for vehicles using the facility.

Patrons: Barker; Delegate: Anderson

SB 634 Commonwealth Transportation Board (CTB); composition.

A BILL to amend and reenact §§ 33.1-1 and 33.1-2 of the Code of Virginia, relating to composition of the Commonwealth Transportation Board.

Summary as introduced:

Commonwealth Transportation Board (CTB); composition. Changes the composition of the CTB: one will be appointed from each of Virginia's 11 Congressional Districts (as they were on January 1, 2010, four more will be at-large appointees: one representing seaports, one representing aviation, one representing railroads, and one representing mass transit; the three ex-officio members remain unchanged.

Patron: Marsden

C. Funding

1. Bills Still Alive (5)

HB 342 Alcoholic beverage control; privatization of ABC stores.

A BILL to amend and reenact §§ 4.1-100, 4.1-103, 4.1-111, 4.1-115, 4.1-121, 4.1-122, 4.1-201, 4.1-206, 4.1-207, 4.1-210, 4.1-215, 4.1-231, 4.1-233, 4.1-234, 4.1-235, 4.1-303, and 4.1-330 of the Code of Virginia; to amend the Code of Virginia by adding sections numbered 4.1-119.1, 4.1-120.1, 4.1-204.1, and 4.1-214.1; and to repeal §§ 4.1-119 and 4.1-120, relating to alcoholic beverage control; retail privatization of government stores; cost savings to Transportation Trust Fund.

Summary as introduced:

Alcoholic beverage control (ABC); privatization of ABC stores. Provides for the issuance of a "package store" license to authorize the retail sale of alcoholic beverages for off-premises consumption. The bill also requires the ABC Board to sell at auction all real estate used as ABC stores, and to terminate leased property upon which the ABC Board has operated a government store. The bill requires the ABC Board to complete an implementation study by December 31, 2010, on how it will privatize government stores. The bill has a delayed effective date of January 1, 2011, to achieve full retail privatization of government stores. The bill provides that any monetary savings realized by the ABC Board from the implementation of the bill shall be applied to the Transportation Trust Fund. The bill contains numerous technical amendments.

Patron: Marshall, R.G.

HB 391 Highways; payments to cities and towns for maintenance of certain.

A BILL to amend and reenact § 33.1-41.1 of the Code of Virginia, relating to payments to cities and towns for highway maintenance.

Summary as introduced:

Payments to cities and towns for maintenance of certain highways. Reduces unrestricted right-of-way widths from 50 to 40 feet and hard-surface widths from 30 to 22 feet before payment can be made by the Commissioner to any city or town for maintenance of certain highways if such highway was constructed on or after January 1, 2011.

Patron: Lohr

SB 285 Unpaved secondary road fund; no penalty will be applied to transfers from other road projects.

A BILL to amend and reenact § 33.1-23.1:1 of the Code of Virginia, relating to the unpaved secondary road fund; use of fund proceeds.

Summary as introduced:

Unpaved secondary road fund. Provides that in any year in which the Commonwealth Transportation Board has not allocated funding for nonsurface treated secondary roads, no penalty will be applied to transfers of funding from unpaved roads to other secondary road projects.

Patron: Deeds

SB 343 Fuels taxes; annually adjusted.

A BILL to amend and reenact §§ 58.1-2217, 58.1-2249, 58.1-2701, as it is currently effective and as it may become effective, and 58.1-2706 of the Code of Virginia, relating to annually adjusting Virginia's fuels taxes by changes in the average fuel economy of motor vehicles.

Summary as introduced:

Fuels taxes; annually adjusted. Adjusts fuels taxes each year on April 1 by the percentage increase in the Corporate Average Fuel Economy (sales volume weighted), Total Fleet (the CAFE) for the immediately preceding calendar year over the CAFE for calendar year 2009. The first adjustment would occur on April 1, 2011.

Patrons: Hanger and Petersen

SB 443 Alcoholic beverage control; privatization of ABC stores.

A BILL to amend and reenact §§ 4.1-100, 4.1-103, 4.1-111, 4.1-115, 4.1-116, 4.1-121, 4.1-122, 4.1-130, 4.1-131, 4.1-201, 4.1-206, 4.1-207, 4.1-210, 4.1-213, 4.1-215, 4.1-221, 4.1-226, 4.1-228, 4.1-231, 4.1-233, 4.1-234, 4.1-235, 4.1-303, 4.1-310, 4.1-313, and 4.1-330 of the Code of Virginia; to amend the Code of Virginia by adding sections numbered 4.1-120.1, 4.1-210.1, and 4.1-214.1; and to repeal §§ 4.1-104, 4.1-110, 4.1-119, 4.1-120, and 4.1-133 of the Code of Virginia, relating to the privatization of wholesale and retail sale of alcoholic beverages.

Summary as introduced:

Alcoholic beverage control; privatization of ABC stores. Provides for the auction of "package store" licenses to authorize the retail sale of alcoholic beverages for off-premises consumption. The bill also requires the ABC Board to sell or transfer all interest in real property utilized in the wholesale and retail sale of alcoholic beverages. The bill requires the ABC Board to set a fixed number of licenses for all localities, which shall be at a minimum one license for each locality of the Commonwealth and shall not exceed one license per 10,000 residents of the locality. The initial issuance of licenses by the Board would be through regional auctions beginning July 1, 2011, which may also be conducted through the Department's publicly accessible website. The annual state license tax on package store licenses would be the initial purchase price at auction plus an annual inflation adjustment based on the Consumer Price Index. The tax levied on spirits sold in package stores would be 25 percent of the price charged. This bill contains numerous technical amendments.

Patron: Obenshain

2. Failed Bills (1)

HJ 91 Alcoholic Beverage Control Board; disposition of real estate used for government stores.

Requesting the Alcoholic Beverage Control Board to study the retail privatization of government stores; disposition of real estate upon which government stores are operated.

Summary as introduced:

Study; Alcoholic Beverage Control Board; disposition of real estate used for government stores. Directs the Alcoholic Beverage Control Board to, on or before December 31, 2010, complete an implementation study for the discontinuation of government stores and for the disposition of all real property owned or leased by the Board upon which government stores are operated. The resolution also directs the Board to submit an implementation plan for the disposition of the real property owned or leased by the Board and operated as government stores to the chairs of the House Committee on General Laws and to the Senate Committee on Rehabilitation and Social Services on or before December 31, 2010.

Patron: Purkey

D. Constitutional

1. Bills Still Alive (0)

2. Failed Bills (1)

HB 115 Underground Utility Damage Prevention Act; sewer laterals.

A BILL to amend and reenact §§ 56-265.15 and 56-265.32 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 56-265.19:1, relating to the Underground Utility Damage Prevention Act; sewer laterals.

Summary as introduced:

Underground Utility Damage Prevention Act; sewer laterals. Establishes a set of requirements for the protection of sewer system laterals and private sewer laterals that are unique from the general requirements of the Underground Utility Damage Prevention Act. The measure also establishes procedures to address recurring noncompliance with the provisions of the Act by localities and other political subdivisions of the Commonwealth.

Patron: Purkey

E. Weight Limits

1. Bills Still Alive (1)

SB 261 Weights and measures; Commissioner of Agriculture & Consumer Services to establish fees.

A BILL to amend and reenact § 3.2-5609 of the Code of Virginia, relating to the imposition of weights and measures fees.

Summary as introduced:

Weights and measures fee. Authorizes the Commissioner of Agriculture and Consumer Services to establish inspection and certification fee of \$17.50 on each weight and measure commercially used in Virginia.

Patron: Whipple

2. Failed Bills (1)

HB 127 Overweight permits; makes carriers of coal, etc. responsible for obtaining.

A BILL to amend and reenact § 46.2-1143 of the Code of Virginia, relating to overweight permits for vehicles used to haul coal, etc.

Summary as introduced:

Overweight permits for haulers of coal, etc. Makes "carriers" (rather than "owners or operators") responsible for obtaining the permits and complying with other requirements. A definition of "carrier" is provided. Overweight penalties are changed to civil penalties, and the amount of time allowed for load shifting is limited to one hour.

Patron: Kilgore

F. Architects, Engineers & Contractors

1. Bills Still Alive (1)

HB 250 Contractors, Board for; raises threshold for Class C contractors license.

A BILL to amend and reenact §§ 54.1-1100 and 54.1-1103 of the Code of Virginia, relating to the Board for Contractors; Class C license.

Summary as introduced:

Board for Contractors; Class C license. Raises the threshold for which a person must have a Class C contractors license from less than \$7,500 to less than \$10,000. As a result, the Class B threshold is also raised from \$7,500 or more to \$10,000 or more.

Patrons: Merricks and Marshall, D.W.

2. Failed Bills (0)

G. Procurements

1. Bills Still Alive (3)

HB 426 Public Procurement Act; cooperative procurement.

A BILL to amend and reenact § 2.2-4304 of the Code of Virginia, relating to the Virginia Public Procurement Act; cooperative procurement.

Summary as introduced:

Virginia Public Procurement Act; cooperative procurement. Prohibits a local public body from using another local public body's contract for construction where the cost of the project is in excess of \$200,000 and the other local public body is more than 75 miles in distance from the local public body procuring the construction. The bill provides an exception to the above limitation for contracts for the installation of artificial turf. The bill contains technical amendments.

Patrons: Griffith and Ware, O.

HB 567 Public Procurement Act; state-aid construction projects.

A BILL to amend and reenact § 2.2-4305 of the Code of Virginia, relating to the Virginia Public Procurement Act; state-aid construction projects.

Summary as introduced:

Virginia Public Procurement Act; state-aid construction projects. Raises the competitive bidding/competitive negotiation dollar threshold from \$30,000 to \$50,000 for state-aid construction projects.

Patron: Iaquinto

HB 831 Public Procurement Act; qualification of foreign business entities to conduct business in State.

A BILL to amend the Code of Virginia by adding a section numbered 2.2-4303.1, relating to the Virginia Public Procurement Act; qualification to conduct business in the Commonwealth.

Summary as introduced:

Virginia Public Procurement Act; foreign business entities. Prohibits a foreign corporation, limited liability company, business trust, limited partnership, or registered limited liability partnership from bidding on, or entering into, amending, or renewing, a contract with a public body under the Virginia Public Procurement Act unless the foreign entity provides a copy of a valid certificate or authority or registration to conduct business in the Commonwealth. Such status shall be maintained during the term of a contract and for five years after its term is completed. A contract entered into by a business in violation of the requirements is voidable at the option of the public body.

Patrons: Surovell; Senator: Petersen

2. Failed Bills (0)

H. PPTA

1. Bills Still Alive (1)

SB 101 Public-Private Partnership Advisory Commission; DLS shall provide legal and research services.

A BILL to amend and reenact §§ 30-279 and 30-280 of the Code of Virginia, relating to the Public-Private Partnership Advisory Commission.

Summary as introduced:

Public-Private Partnership Advisory Commission. Provides that the Division of Legislative Services shall provide legal and research services to the Public-Private Partnership Advisory Commission with technical assistance being provided by the staffs of the House Committee on Appropriations, the Senate Finance Committee, and the Auditor of Public Accounts. The bill also clarifies that responsible public entities required to submit copies of detailed proposals under the Public-Private Education Facilities and Infrastructure Act must submit the copies to the clerk of the Commission.

Patron: Stosch

2. Failed Bills (0)

I. Stormwater

1. Bills Still Alive (0)

2. Failed Bills (0)

J. Employment Issue

1. Bills Still Alive (1)

HB 916 Driver's license, commercial; disqualification of license if convicted of reckless driving.

A BILL to amend and reenact § 46.2-341.18 of the Code of Virginia, relating to disqualification for certain traffic infractions; commercial driver's license.

Summary as introduced:

Commercial driver's license; disqualification. Provides that the Commissioner shall disqualify for a period of five years any person convicted of reckless driving, a violation of any provision of § 46.2-833, or any other violation of Title 46.2 punishable as a Class 1 misdemeanor or felony if such violation (i) was committed while operating a commercial motor vehicle and (ii) resulted in the death of another individual.

Patron: Bell, Robert B.

2. Failed Bills (1)

HB 178 Seasonal or temporary workers; disqualifies employee from unemployment compensation benefits.

A BILL to amend and reenact § 60.2-612 of the Code of Virginia, relating to eligibility of seasonal or temporary employees for unemployment compensation benefits.

Summary as introduced:

Eligibility of seasonal or temporary workers for unemployment benefits. Disqualifies an unemployed individual for unemployment compensation benefits if he was provided with written notice, and signed an acknowledgment of receipt of such notice, by his employer stating that his employment is temporary or seasonal and will be terminated by a date certain or upon the completion of seasonal work specified in the written notice.

Patron: Morrissey

K. Wireless

1. Bills Still Alive (0)

2. Failed Bills (1)

HB 221 Handheld personal communication device; person guilty of careless driving unless in hands-free mode.

A BILL to amend the Code of Virginia by adding a section numbered 46.2-868.2, relating to driving while using handheld personal communications device.

Summary as introduced:

Careless driving. Provides that a person is guilty of careless driving, a Class 3 misdemeanor, if he commits a moving violation under Title 46.2 while using a handheld personal communications device, unless he is using such communications device in hands-free mode.

Patrons: Watts, Plum, Scott, J.M. and Sickles; Senators: Howell and Ticer

L. Formula

1. Bills Still Alive (2)

HB 276 Highway maintenance funds; requires CTB to allocate funds on basis of achieving level of disparity.

A BILL to amend and reenact § 33.1-23.1 of the Code of Virginia, relating to allocation of funds for maintenance of Interstate Highway System components.

Summary as introduced:

Highway maintenance funds. Requires the CTB, when allocating funds for highway maintenance, to do so on the basis of achieving a minimal level of disparity among highway construction districts in meeting asset performance standards in § 33.1-13.02.

Patrons: Albo and Rust

HB 1131 Commonwealth Transportation Board (CTB); formulas for allocating funds.

A BILL to amend and reenact §§ 33.1-1, 33.1-2, 33.1-23.2, 33.1-23.3, and 33.1-23.4 of the Code of Virginia, relating to composition of the Commonwealth Transportation Board; formulas for allocating highway construction funds to the primary, secondary, and urban highway systems.

Summary as introduced:

Composition of Commonwealth Transportation Board (CTB); formulas for allocating primary, urban, and secondary highway system construction funds. Adds one member from the Northern Virginia highway construction district to the CTB. The bill also provides for allocation of highway construction funds within primary, urban, and secondary systems by the CTB on the basis of (i) population, (ii) traffic congestion, (iii)

ambient air quality, (iv) functional classifications of highways, and (v) other important objectives as determined by the CTB, with each such factor being given equal weight.

Patrons: Keam and Kory

2. Failed Bills (3)

HB 224 Highways; payments to cities and towns for maintenance.

A BILL to amend and reenact § 33.1-41.1 of the Code of Virginia, relating to payments to cities and certain towns for maintenance of certain highways.

Summary as introduced:

Payments to cities and towns for maintenance. Equalizes municipal street payments to comparable amounts paid for state maintenance.

Patrons: Watts, Herring, Kory, Plum, Sickles and Surovell; Senators: Barker, Howell and Ticer

HB 1103 Primary system highway construction funds; allocation.

A BILL to amend and reenact § 33.1-23.2 of the Code of Virginia, relating to allocation of construction funds within the state secondary highway system.

Summary as introduced:

Primary system highway construction funds allocation. Allocates primary system highway construction funds among the nine highway construction districts on the basis of the ratio of vehicle miles traveled on primary highways divided by the lane miles of primary highways in each highway construction district, weighted 90%, and a need factor, weighted 10%.

Patrons: Sickles and Surovell

HB 1124 Street maintenance payments; provides for increased payments where traffic volumes exceed average.

A BILL to amend and reenact § 33.1-41.1 of the Code of Virginia, relating to highway maintenance payments to municipalities.

Summary as introduced:

Street maintenance payments. Provides for increased payments where traffic volumes exceed the statewide average by more than 20 percent.

Patrons: Keam and Kory

M. All Other Bills

1. Bills Still Alive (7)

HB 133 Personal property tax relief; removes weight limitation.

A BILL to amend and reenact § 58.1-3523 of the Code of Virginia, relating to personal property tax relief; trucks.

Summary as introduced:

Personal property tax relief; qualifying vehicles. Removes the 7,500 pound weight limitation, so that all trucks used for nonbusiness purposes, except tractor trucks, are eligible to be considered for personal property tax relief.

Patron: Pollard

HB 1230 Underground Utility Damage Prevention Act; sewer laterals.

A BILL to amend and reenact §§ 56-265.15 and 56-265.32 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 56-265.19:1, relating to the Underground Utility Damage Prevention Act; sewer laterals.

Summary as introduced:

Underground Utility Damage Prevention Act; sewer laterals. Establishes a set of requirements for the protection of sewer system laterals and private sewer laterals that are unique from the general requirements of the Underground Utility Damage Prevention Act. The measure also establishes procedures to address recurring noncompliance with the provisions of the Act by localities and other political subdivisions of the Commonwealth.

Patrons: Ware, R.L. and Purkey

HB 1241 Metropolitan planning organizations; membership

A BILL to amend the Code of Virginia by adding in Article 15 of Chapter 1 of Title 33.1 a section numbered 33.1-223.2:23, relating to metropolitan planning organizations; membership.

Summary as introduced:

Metropolitan planning organizations; membership. Provides that any metropolitan planning organization may vote, with the concurrence of the Governor, to have its membership expanded to include members of the House of Delegates, as selected by the Speaker of the House of Delegates, and members of the Senate, as selected by the Senate Committee on Rules.

Patron: Oder

HJ 135 Development and Land Use Tools in State's Localities, Joint Subcommittee Studying; continued.

Continuing the Joint Subcommittee to Study Development and Land Use Tools in Virginia's Localities. Report.

Summary as introduced:

Study; Joint Subcommittee to Study Development and Land Use Tools in Virginia's Localities; report. Continues the Joint Subcommittee to Study Development and Land Use Tools in Virginia's Localities for one year to examine and monitor the transition to channeling development into Urban Development Areas and determine if additional legislation is needed to help localities as they transition to Urban Development Areas. The joint subcommittee shall also continue to make a comprehensive evaluation of all existing land use planning tools and infrastructure financing options and make any recommendations deemed appropriate.

Patron: Athey

SB 561 Coal mining; makes several changes to Coal Mine Safety Act.

A BILL to amend and reenact §§ 45.1-161.39, 45.1-161.87, 45.1-161.276, and 45.1-161.284, of the Code of Virginia, relating to coal mine safety.

Summary as introduced:

Coal mine safety. Makes several changes to the Coal Mine Safety Act. Surface foremen must take, at minimum, a 24-hour course of instruction in advanced first aid taught by a certified advanced first aid instructor. Mine operators are required to provide a written policy and review of rules, testing procedures, and disciplinary actions for noncompliance associated with the substance abuse screening program. Rules for the design and marking of dumping stations and the placement of explosives are changed in certain instances.

Patron: Puckett

SJ 98 Rapid transit service network; continues mandate of study.

Continuing the Joint Subcommittee to Study the Feasibility of Creating a Regional Rapid Transit Network for Connecting Existing and Emerging Population Centers in Major Transportation Corridors. Report.

Summary as introduced:

Joint Subcommittee to Study the Feasibility of Creating a Regional Rapid Transit Network for Connecting Existing and Emerging Population Centers in Major Transportation Corridors; report. Continues the work of the joint subcommittee for a third year.

Patrons: Barker, Colgan and Puller

SJ 99 Interstate safety rest areas; JLARC to study privatization of all or portions thereof.

Directing the Joint Legislative Audit and Review Commission to study privatization of all or portions of the Commonwealth's interstate safety rest areas. Report.

Summary as introduced:

Study; JLARC; privatizing Commonwealth's rest areas; report. Directs the Joint Legislative Audit and Review Commission to study the privatization of all or portions of the Commonwealth's rest areas.

Patron: Herring

2. Failed Bills (0)

IV. OTHER

A. Environmental

1. Bills Still Alive (1)

HB 1319 Carbon dioxide emissions; defers USEPA enforcement of any standards or cap and trade provisions.

A BILL to amend the Code of Virginia by adding a section numbered 10.1-1306.1, relating to regulation of carbon dioxide emissions.

Summary as introduced:

Air pollution emissions. Defers to the U.S. Environmental Protection Agency (USEPA) the enforcement of any carbon dioxide standards or cap and trade provisions that are included in the federal Clean Air Act. The bill requires the Governor, in consultation with the Attorney General, to examine these provisions and determine whether Congress has the authority to enact mandates upon the states. The Governor is to report his findings to the General Assembly. The bill authorizes the Attorney General to bring an action against the USEPA if he finds that the mandated standards are based on a finding that is not scientifically demonstrated.

Patrons: Marshall, R.G. and Morefield

2. Failed Bills (0)

B. VDOT

1. Bills Still Alive (5)

HB 584 Highway rest areas and welcome centers; VDOT to reopen.

A BILL to require the Virginia Department of Transportation (VDOT) to reopen certain Interstate Highway System rest areas and VDOT residency offices and to prohibit closure of any Interstate Highway System welcome center.

Summary as introduced:

Highway rest areas and welcome centers. Requires VDOT to reopen closed highway rest areas and residency offices and prohibits closure of highway welcome centers.

Patron: Landes

HB 876 Fences along Interstate highways; VDOT to adhere to local policies in installing.

A BILL to amend the Code of Virginia by adding in Article 15 of Chapter 1 of Title 33.1 a section numbered 33.1-223.2:23, relating to installation and maintenance of fences along Interstate Highway System components.

Summary as introduced:

Fences along Interstate highways. Requires VDOT to adhere to local policies in installing and maintaining fences along Interstate Highway System components.

Patron: Cline

HB 1081 Highway rest areas and welcome centers; requires VDOT to reopen all on Interstate Highway System.

A BILL to require the Virginia Department of Transportation to reopen certain Interstate Highway System rest areas and to prohibit closure by the Department of any Interstate Highway System welcome center.

Summary as introduced:

Highway rest areas and welcome centers. Requires VDOT to reopen closed highway rest stops and prohibits closure of highway welcome centers.

Patrons: Crockett-Stark and Knight

SB 550 State and local transportation planning; provides for coordination with DRPT.

A BILL to amend and reenact §§ 15.2-2222.1 and 15.2-2223 of the Code of Virginia, relating to coordination of state and local transportation planning.

Summary as introduced:

Coordination of state and local transportation planning. Provides for coordination of local transportation planning with not only the Virginia Department of Transportation, but the Virginia Department of Rail and Public Transportation as well.

Patrons: Barker, Colgan and Puller

SB 717 Regional VDOT construction accounts.

A BILL to amend the Code of Virginia by adding a section numbered 33.1-23.02:1, relating to establishment of regional accounts to be used by the Commonwealth Transportation Board for allocation of funds for specific transportation projects within the region wherein the revenue is generated.

Summary as introduced:

Regional VDOT construction accounts. Provides for the establishment of regional accounts to be used by the Commonwealth Transportation Board for allocation of funds for specific transportation projects within the region wherein the revenue is generated. This system of allocation is to be in addition to and not a replacement for other transportation construction fund allocation formulas.

Patron: Petersen

2. Failed Bills (2)

HB 1098 State and local transportation planning; provides for coordination with DRPT. (Incorporated into HB 808)

A BILL to amend and reenact §§ 15.2-2222.1 and 15.2-2223 of the Code of Virginia, relating to coordination of state and local transportation planning.

Summary as introduced:

Coordination of state and local transportation planning. Provides for coordination of local transportation planning with not only the Virginia Department of Transportation, but the Virginia Department of Rail and Public Transportation as well.

Patron: Sickles

HB 1369 Secondary Street Acceptance Requirements; VDOT to reconsider.

A BILL to require the Department of Transportation to reconsider its Secondary Street Acceptance Requirements.

Summary as introduced:

VDOT Secondary Street Acceptance Requirements. Requires VDOT to reconsider its Secondary Street Acceptance Requirements effective July 1, 2009, with specific focus on the connectivity index and the means by

which an exception can be granted. The reconsideration is also to focus on the unique challenges in rural applications.

Patron: Poindexter

C. Funding

1. Bills Still Alive (10)

HB 333 Naming highways, etc.; allows Transportation Board to name.

A BILL to amend and reenact § 33.1-12 of the Code of Virginia, relating to naming of highways, bridges, and interchanges by the Commonwealth Transportation Board.

Summary as introduced:

Naming highways, etc. Allows the Commonwealth Transportation Board to name a highway, bridge, or interchange for a living person, group, or business entity if (i) the cost of construction of the bridge, highway, or interchange is paid by the person, group, or business entity, and (ii) the highway, bridge, or interchange has not already been named for a deceased individual.

Patron: Marshall, R.G.

HB 782 Surplus real property; DGS to inventory all real property owned and update at least annually.

A BILL to amend and reenact § 2.2-1156 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 2.2-1156.1, relating to the Department of General Services; surplus real property; inventory state-owned land.

Summary as introduced:

Department of General Services; surplus real property; inventory state-owned land. Provides for the Department of General Services to inventory all real property owned by the Commonwealth by October 30, 2010, and update the inventory at least annually thereafter. The bill also provides for the Department to submit an annual report to the Governor and the General Assembly containing the full inventory of real property owned by the Commonwealth and recommendations regarding property that may be disposed of as surplus property. The bill also changes the portion of the proceeds from sales or leases of, or from the conveyance of any interest in, surplus property by the Commonwealth from the Conservation Resources Fund to the Transportation Trust Fund.

Patrons: LeMunyon, Albo, Anderson and Comstock

HB 808 State and local transportation planning; provides for coordination with DRPT.

A BILL to amend and reenact §§ 15.2-2222.1 and 15.2-2223 of the Code of Virginia, relating to coordination of state and local transportation planning.

Summary as introduced:

Coordination of state and local transportation planning. Provides for coordination of local transportation planning with not only the Virginia Department of Transportation, but the Virginia Department of Rail and Public Transportation as well.

Patrons: Watts, Bulova, Herring, Kory, Plum, Scott, J.M., Sickles and Surovell; Senators: Barker, Howell, Petersen and Ticer

HB 1323 Tolls; provided at Monitor Merrimac Memorial Bridge-Tunnel & Hampton Roads Bridge-Tunnel.

A BILL to amend the Code of Virginia by adding a section numbered 33.1-23.03:11, relating to tolls at the Monitor Merrimac Memorial Bridge-Tunnel and the Hampton Roads Bridge-Tunnel.

Summary as introduced:

Hampton Roads; tolls. Provides for tolls at the Monitor Merrimac Memorial Bridge-Tunnel and the Hampton Roads Bridge-Tunnel.

Patron: May

HB 1329 Motor fuels sales tax; defines gross sales and sales price for purposes of tax in Northern Virginia.

A BILL to amend and reenact § 58.1-1718.1 of the Code of Virginia, relating to state motor fuels sales tax in Northern Virginia.

Summary as introduced:

State motor fuels sales tax in Northern Virginia. Defines "gross sales" and "sales price" for purposes of the state motor fuels sales tax in Northern Virginia. "Gross sales" means the same as its definition in provisions of the Retail Sales and Use Tax and would exclude separately stated federal diesel excise taxes. "Sales price" means the same as its definition in provisions of the Retail Sales and Use Tax but would include all transportation and delivery charges, even if separately stated.

Patron: Lingamfelter

SB 114 Motor fuels taxes; rate increase or decrease each year using fuel efficiency index.

A BILL to amend and reenact §§ 58.1-2201, 58.1-2217, 58.1-2249, 58.1-2701, as it is currently effective and as it may become effective, and 58.1-2706 of the Code of Virginia, relating to annually changing the rate of Virginia's fuels taxes by changes in the fuel efficiencies of motor vehicles.

Summary as introduced:

Fuels taxes; indexing of tax rates. Increases or decreases each year the rates of Virginia's fuels taxes using a fuel efficiency index. The bill would define the fuel efficiency index as the quotient that is obtained when using as the numerator the total annual vehicle miles traveled in the Commonwealth for the relevant year and using as the denominator the total gallons of motor fuel consumed for highway use in the Commonwealth for the relevant year. The numerator and denominator would be the corresponding amounts as published by the Federal Highway Administration of the United States Department of Transportation.

The bill would establish 2007 as the base year for the fuel efficiency index. Thus, the percentage change in the fuel efficiency index between the current year and 2007, the base year, would determine the annual percentage increase or decrease in the rates of Virginia's fuels taxes. Each December the Commissioner of the Department of Motor Vehicles would compute the adjusted rates of fuels taxes.

Currently, Virginia's fuels taxes are fixed at the rate of \$0.175 per gallon for each gallon of gasoline, gasohol, and diesel fuel.

Patron: Petersen

SB 223 Motor fuels tax; converts rates of taxation from cents per gallon to percentage rates.

A BILL to amend and reenact §§ 58.1-2217, 58.1-2249, 58.1-2289, as it may become effective, 58.1-2701, as it is currently effective and as it may become effective, and 58.1-2706 of the Code of Virginia, relating to motor fuels tax.

Summary as introduced:

Fuels taxes; percentage of wholesale cost. Replaces the current fuels tax on gasoline, gasohol, and diesel fuel with a tax that is a percentage of the wholesale price of a gallon of self-serve unleaded regular gasoline. The percentage shall be established by the Commissioner by determining the percentage that would most closely yield seventeen

and one-half cents per gallon, based on the average wholesale price of a gallon of self-serve unleaded regular gasoline for the period beginning October 1, 2009, and ending March 31, 2010.

Patron: Barker

SB 607 Comptroller; changes description in annual report of allocation of surplus general funds.

A BILL to amend and reenact § 2.2-1514 of the Code of Virginia, as is currently effective and as it may become effective, relating to the Comptroller's assignment of certain general fund balances.

Summary as introduced:

Assignment of certain general funds by the Comptroller. Changes the description in the Comptroller's annual report of the allocation of certain surplus general fund balances for nonrecurring expenditures, and for the Transportation Trust Fund, from "designates" to "assigns." The bill also changes the description of such surplus funds from fund balance not otherwise "reserved or designated," to fund balance not otherwise "restricted, committed, or assigned."

Patron: Stosch

SB 684 Transportation funding.

A BILL to amend and reenact §§ 33.1-23.03:1, 33.1-23.03:10, 58.1-638, 58.1-2217, 58.1-2249, 58.1-2289, as it is currently effective and as it may become effective, 58.1-2402, 58.1-2425, 58.1-2701, as it is currently effective and as it may become effective, and 58.1-2706 of the Code of Virginia, to amend the Code of Virginia by adding in Title 33.1 a chapter numbered 10.3, consisting of sections numbered 33.1-391.17, 33.1-391.18, and 33.1-391.19, by adding in Chapter 22 of Title 58.1 an article numbered 8.1, consisting of a section numbered 58.1-2288.1, and by adding a section numbered 67-301, relating to funding for transportation.

Summary as introduced:

Transportation funding. Provides new and increased taxes, tolls, royalties from offshore natural gas and oil drilling, and general fund revenues for transportation funding.

The bill would (i) decrease the motor fuels tax from \$0.175 per gallon to \$0.05 per gallon and establish a five percent tax on motor fuels sales based upon the statewide average wholesale price of a gallon of self-serve unleaded regular gasoline; (ii) subject to the amount of the additional revenues generated by the changes described in clause (i), increase the motor fuels tax rate by \$0.10 per gallon in increments of \$0.02 per gallon each year over a the five-year period beginning in 2011; (iii) beginning in 2011 increase the motor vehicle sales and use tax by 0.50 percent each year for four years; (iv) provide that of the retail sales and use tax revenues generated by the Commonwealth's four percent tax on sales of automobile parts and automobile accessories, an amount equivalent to the revenues generated by a three percent retail sales and use tax on such parts and accessories would be deposited into the Highway Maintenance and Operating Fund; (v) subject to receipt of federal authorization, authorize the Commonwealth Transportation Board to impose and collect a toll of \$1 per axle on every vehicle entering the Commonwealth from the state of North Carolina via Interstate Route 85 and Interstate Route 95; (vi) dedicate for highway maintenance purposes 10 percent of the future growth in certain state taxes that is attributable to economic activity generated or facilitated by the public and private general cargo marine terminals and inland ports of the Commonwealth; and (vii) dedicate for transportation purposes all royalties paid to the Commonwealth as a result of offshore natural gas and oil drilling.

All amounts generated under the bill would be deposited into the Highway Maintenance and Operating Fund to be used for highway maintenance except the revenues from tolls on vehicles entering the Commonwealth from North Carolina and the revenues from royalties as a result of offshore drilling, which would be deposited into the Transportation Trust Fund.

Patron: Miller, J.C.

SB 694 Transportation Trust Fund; additional appropriations recommended by the Governor in cases of general

A BILL to amend and reenact § 2.2-1509.1 of the Code of Virginia, relating to additional appropriations to the Transportation Trust Fund that may be included in the Governor's budget bill in cases of certain projected growth in general fund revenues.

Summary as introduced:

Transportation Trust Fund; additional appropriations recommended by the Governor in cases of general fund revenue growth. Authorizes the Governor, in submitting his biennial budget bill, to provide for additional appropriations to the Transportation Trust Fund from general fund revenues in cases in which general fund revenues for a fiscal year are projected to grow by at least three percent. Any such additional appropriation to the Transportation Trust Fund recommended by the Governor would be required to be in an amount not less than one percent of the projected growth in general fund revenues for the fiscal year.

Patrons: McWaters, Blevins, Martin, McDougle, Newman, Norment, Smith, Vogel and Wagner

2. Failed Bills (2)

HB 124 Alcoholic beverages; penalty for possession of open container in a motor vehicle.

A BILL to amend the Code of Virginia by adding a section numbered 46.2-800.2, relating to the possession of an open container of alcohol in a motor vehicle; penalty.

Summary as introduced:

Possession of open container of alcohol in a motor vehicle; penalty. Provides that no person shall possess an alcoholic beverage in the passenger area of a motor vehicle upon a public highway of the Commonwealth in other than the manufacturer's unopened, original container. The bill punishes violators with a civil penalty of \$25.

Patron: Purkey

HB 1153 Motor fuels tax; converts rates of taxation from cents per gallon to percentage rates.

A BILL to amend and reenact §§ 58.1-2217, 58.1-2249, 58.1-2289, as it may become effective, 58.1-2701, as it is currently effective and as it may become effective, and 58.1-2706 of the Code of Virginia, relating to motor fuels tax.

Summary as introduced:

Motor fuels tax. Converts the rates of taxation on motor fuels from cents per gallon to percentage rates. The percentage rates shall be calculated by the Commissioner of the Department of Motor Vehicles in an amount that will most closely yield the amount of cents per gallon being charged on the applicable motor fuel prior to the effective date of the bill. Thereafter, the percentage rates would not change, but would be applied against the average price per gallon of the fuel, less federal and state taxes, as determined by the Commissioner of the Department of Motor Vehicles over rolling six-month periods, to determine the cents to be charged.

Patrons: Scott, J.M. and Kory

D. Constitutional

1. Bills Still Alive (2)

SJ 27 Constitutional amendment; taking of private property for public uses (first reference).

Proposing an amendment to Section 11 of Article I of the Constitution of Virginia, relating to due process, taking of private property, and other rights.

Summary as introduced:

Constitutional amendment (first resolution); taking of private property for public uses. Limits the exercise of eminent domain for the purpose of public use and specifies that, with the exception of property taken for public service corporations, public service companies, or railroads, property may not be taken if the primary purpose of the taking is private financial gain, private benefit, an increase in tax base or tax revenues, or an increase in employment. No more property shall be taken than is necessary to achieve the stated public use.

Patrons: Obenshain and Vogel

SJ 137 Constitutional amendment; Transportation Funds (first reference).

Proposing an amendment to the Constitution of Virginia by adding in Article X a section numbered 7-B, relating to funds for transportation purposes.

Summary as introduced:

Constitutional amendment (first resolution); Transportation Funds. Requires the General Assembly to maintain permanent and separate Transportation Funds to include the Commonwealth Transportation Fund, Transportation Trust Fund, Highway Maintenance and Operating Fund, and Priority Transportation Fund. All revenues dedicated to Transportation Funds on January 1, 2011, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds, unless the General Assembly by general law, other than a general appropriation law, alters the revenues dedicated to the Funds. The amendment requires Funds be appropriated only for transportation systems and projects. The General Assembly may borrow from the Funds for other purposes only by a vote of two-thirds plus one of the members voting in each house, and the loan or reduction must be repaid with reasonable interest within three years. The amendment also limits the use of general and other nontransportation funds for transportation purposes except for certain debt service payments.

Patron: Norment

2. Failed Bills (0)

E. Weight Limits

1. Bills Still Alive (0)

2. Failed Bills (0)

F. Architects, Engineers & Contractors

1. Bills Still Alive (0)

2. Failed Bills (0)

G. Procurements

1. Bills Still Alive (3)

SB 691 Department of Minority Business Enterprise; small, women-owned, and minority-owned businesses; enhan

A BILL to amend and reenact §§ 2.2-1402, 2.2-1403, 2.2-4310, and 15.2-965.1 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 2.2-1403.1, relating to Department of Minority Business Enterprise; small, women-owned, and minority-owned businesses; enhancement or remedial measures.

Summary as introduced:

Department of Minority Business Enterprise; small, women-owned, and minority-owned businesses; enhancement or remedial measures. Requires state contracts awarded pursuant to enhancement or remedial measures implemented to enhance participation by small, women-owned, and minority-owned businesses to include a requirement that no more than 60 percent of the work be subcontracted to another contractor except under certain circumstances. The bill authorizes the Department of Minority Business Enterprise to investigate complaints that the business has violated the contract provision and authorizes the Director to revoke the business's certification as a small, women-owned, or minority-owned business for a period of one year upon determination that the contract provision has been violated. The bill also provides that any enhancement or remedial measure require the state agency to solicit bids from all qualified vendors and not be limited to bids submitted by small, women-owned, and minority-owned businesses. Under the bill, any enhancement or remedial measure cannot exceed three percent of the total value of all vendor contracts calculated against the costs of accepting the lowest competent and qualifying bids.

Patron: Obenshain

SB 695 Virginia Public Procurement Act; cooperative procurement.

A BILL to amend and reenact § 2.2-4304 of the Code of Virginia, relating to the Virginia Public Procurement Act; cooperative procurement.

Summary as introduced:

Virginia Public Procurement Act; cooperative procurement. Provides that in cases where the cooperative procurement agreement involves construction, the public body awarding the contract must comply with the provisions of the Public-Private Education Facilities and Infrastructure Act of 2002 requiring posting, public notice and access to certain procurement records.

Patrons: McWaters and Wagner

SB 703 Public Procurement Act; preference for construction contractors hiring local residents.

A BILL to amend and reenact § 2.2-4324 of the Code of Virginia, relating to Virginia Public Procurement Act; preference for hiring local residents for work on public construction contracts.

Summary as introduced:

Public Procurement Act; preference for construction contractors hiring local residents. Authorizes a locality to develop and implement a bidding system providing a preference to construction contractors that hire residents of the locality or the Commonwealth.

Patron: Marsden

2. Failed Bills (0)

H. PPTA

1. Bills Still Alive (0)

2. Failed Bills (0)

I. Stormwater

1. Bills Still Alive (0)

2. Failed Bills (3)

HB 1311 Stormwater management regulations; extends effective date that establishes local program criteria. (Incorporated into HB1220)

A BILL to amend and reenact the second enactment of Chapter 18 of the Acts of Assembly of 2009, relating to stormwater management programs.

Summary as introduced:

Stormwater regulations. Delays the effective date of regulation that establishes local program criteria and delegation procedures and the water quality and water quantity criteria for stormwater to no later than September 1, 2011. The bill also requires the Virginia Soil and Water Conservation Board to conform the regulation to be consistent with this effective date.

Patron: Bulova

SB 677 Stormwater management regulations; extends effective date that establishes local program criteria. (Incorporated into SB395)

A BILL to amend and reenact the second enactment of Chapter 18 of the Acts of Assembly of 2009 and to amend Chapter 18 of the Acts of Assembly of 2009 by adding a third enactment, relating to stormwater management programs.

Summary as introduced:

Stormwater regulations. Delays the effective date of stormwater regulations establishing local program criteria and delegation procedures and the water quality and water quantity criteria until July 1, 2011. The bill also requires the Department of Conservation and Recreation, in consultation with the Department of Environmental Quality, to determine the effect the total maximum daily load (TMDL) allocation for the Chesapeake Bay may have on these regulations. If the agency finds that the TMDL implementation plan approved by the Environmental Protection Agency requires a change in the criteria, the Virginia Soil and Water Conservation Board is to adopt a new regulation that is consistent with the source allocations made in the approved TMDL plan.

Patron: Hanger

SB 681 Stormwater management regulations; extends effective date that establishes local program criteria. (Incorporated by SB395)

A BILL to amend and reenact the second enactment of Chapter 18 of the Acts of Assembly of 2009, relating to stormwater management programs.

Summary as introduced:

Stormwater regulations. Delays the effective date of regulation that establishes local program criteria and delegation procedures and the water quality and water quantity criteria for stormwater to no later than September 1, 2011. The bill also requires the Virginia Soil and Water Conservation Board to conform the regulation to be consistent with this effective date.

Patrons: Whipple and Reynolds

J. Employment Issue

- 1.** Bills Still Alive (0)
- 2.** Failed Bills (0)

K. Wireless

1. Bills Still Alive (0)
2. Failed Bills (0)

L. Formula

1. Bills Still Alive (0)
2. Failed Bills (0)

M. All Other Bills

1. Bills Still Alive (13)

HB 145 Reflectors on trailers; required on those that have an empty weight of 3,000 pounds or less.

A BILL to amend and reenact § 46.2-1088.5 of the Code of Virginia, relating to reflectors on certain trailers.

Summary as introduced:

Reflectors on trailers. Requires reflectors or reflectorized material on all trailers that have an empty weight of 3,000 pounds or less.

Patron: O'Bannon (by request)

HB 614 Income tax laws; conformity to Internal Revenue Code.

A BILL to amend and reenact § 58.1-301 of the Code of Virginia, relating to conformity of the Commonwealth's system of taxation with the Internal Revenue Code.

Summary as introduced:

Conformity with Internal Revenue Code. Advances the date as of which Virginia's system of taxation conforms with the Internal Revenue Code (IRC) from December 31, 2008, to December 31, 2009, and adds three new exceptions; the deferral of certain income under § 108 (i) of the IRC, the original issue discount on applicable high yield discount obligations under IRC § 163 (e)(5)(F), and the amount of the deduction allowed for domestic production activities pursuant to § 199 of the IRC. Taxpayers are preparing and filing returns during the Session, therefore, the bill contains an emergency clause.

Patron: Purkey

HB 1183 Mineral mining; increases license fee.

A BILL to amend and reenact § 45.1-161.292:31 of the Code of Virginia, relating to mineral mining; license fees.

Summary as introduced:

Mineral mining; license fees. Increases the license fee for a mineral mine license from \$180 to \$450 and the license fee for any person engaged in mining sand or gravel on an area of five acres or less from \$48 to \$120.

Patron: Phillips

HB 1315 State agencies, department, etc.; funds received from federal government not subject to state audit.

A BILL to amend and reenact § 2.2-611 of the Code of Virginia, relating to auditing funds received from the federal government.

Summary as introduced:

Funds received from the federal government. Provides that any department, agency, bureau, or institution of the Commonwealth receiving federal funds shall not be subject to a state audit for such federal funds.

Patron: Pollard

HB 1326 Workers' compensation; medical services.

A BILL to amend and reenact § 65.2-605 of the Code of Virginia, relating to workers' compensation; liability of employer for medical services.

Summary as introduced:

Workers' compensation; medical services. Provides that a health care provider rendering medical services outside Virginia to an injured worker whose claim and injuries have been accepted as compensable under the Virginia Workers' Compensation Act shall be reimbursed for medical treatment in an amount equal to the workers' compensation fee schedule, if any, adopted by that state. The measure also directs the Workers' Compensation Commission to appoint a task force to develop recommendations for regulations authorizing reductions or discounts for multiple surgical procedures performed during a single operative session, establishing an employer's limits of pecuniary liability for an assistant-at-surgery, establishing alternative methods to determine fee disputes, and related matters. The Commission shall develop regulations addressing these issues by June 1, 2011. The measure will take effect upon its passage pursuant to an emergency clause.

Patron: Merricks

HB 1336 Commercial dumpsters; VDOT shall issue permits for temporary placement in residential neighborhoods.

A BILL to amend the Code of Virginia by adding a section numbered 46.2-1224.2, relating to commercial dumpsters.

Summary as introduced:

Commercial dumpsters. Provides that VDOT shall issue permits for placement of dumpsters in certain roadways.

Patron: Hugo

HB 1359 Income tax, corporate; tax credit for investments in machinery or equipment by small businesses.

A BILL to amend the Code of Virginia by adding in Article 13 of Chapter 3 of Title 58.1 a section numbered 58.1-439.12:03, relating to tax credit for investments in machinery or equipment by small businesses.

Summary as introduced:

Income tax; Small business investment tax credit. Establishes a tax credit for investments in machinery or equipment by small businesses. The credit would equal 20 percent of investment amount. The Department of Taxation would administer the tax credits. Taxpayers would not be allowed more than \$10,000 in tax credit for any taxable year in which an incremental investment in machinery or equipment was made. Any unused tax credit would be allowed to be carried forward for five taxable years. The credit would be effective for taxable years 2010, 2011, and 2012.

Patron: Keam

SB 179 Income tax laws; conformity to Internal Revenue Code.

A BILL to amend and reenact § 58.1-301 of the Code of Virginia, relating to conformity of the Commonwealth's taxation system with the Internal Revenue Code.

Summary as introduced:

Income tax laws; conformity to Internal Revenue Code. Advances conformity with federal income tax laws to December 31, 2009, for taxable year 2009 and to December 31, 2010, for taxable year 2010, with three additional exceptions.

The bill also provides that amendments to the Internal Revenue will not apply for Virginia tax purposes in taxable years beginning in the calendar year in which the amendments are enacted if the Tax Commissioner determines that (i) the amendment, or combination of related amendments, would reduce Virginia tax revenue by \$5 million or more in any fiscal year, or (ii) any group of amendments would together reduce Virginia tax revenue by \$25 million or more in any fiscal year.

Patron: Stosch

SB 181 Public-Private Acts of 1995 and 2002; agreements under.

A BILL to amend the Code of Virginia by adding sections numbered 56-566.1:01 and 56-575.9:2, relating to grants for qualifying facilities and qualifying projects under the Public-Private Transportation Act of 1995 and the Public-Private Education Facilities and Infrastructure Act of 2002.

Summary as introduced:

Agreements under the Public-Private Transportation Act of 1995 and the Public-Private Education Facilities and Infrastructure Act of 2002. Authorizes state agencies and state authorities, upon the approval of the Governor, to enter into agreements with private entities under the Public-Private Transportation Act of 1995 and the Public-Private Education Facilities and Infrastructure Act of 2002 for the development of a project by the private entity, which agreements provide for the private entity to be paid grants from a portion of the growth in state taxes and fees attributable to the development of the project.

The bill also would allow local governments, agencies, and authorities, upon the approval of the governing body of the locality, to join in the agreement entered into between the private entity and the state agency or state authority.

Patrons: Stosch, Blevins, Hanger, Martin, McDougle, McWaters, Newman, Obenshain, Quayle, Ruff, Stuart, Vogel, Wagner, Wampler and Watkins

SB 543 Income tax, state; imposes surtax on taxable income to provide new source of revenue for localities.

A BILL to amend and reenact §§ 58.1-321, 58.1-461, 58.1-486.2, 58.1-3506, 58.1-3506.1, 58.1-3518, 58.1-3518.1, 58.1-3524, and 58.1-3912 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 58.1-320.1, 58.1-490.1, and 58.1-3524.1, relating to income tax surtax.

Summary as introduced:

Income tax surtax to fund car tax relief. Imposes a state individual income tax surtax to provide a new source of revenue for localities to encourage them to essentially remove the tangible personal property tax on vehicles that currently qualify under the car tax relief program. The surtax on Virginia taxable income would be imposed at the rate of 0.5% for tax year 2010 and at the rate of 1% for subsequent tax years.

Revenues from the surtax would be dedicated to a new Virginia Personal Property Tax Replacement Fund ("Fund"). For tax year 2010, the car tax relief program would operate as under current law, except that annual \$950 million to localities would be paid from the Fund.

For tax years 2011 and thereafter, localities that impose a personal property tax rate on qualifying vehicles not exceeding \$0.000001 per \$100 of assessed value would receive all of the net revenues from the surtax. Allocations to each such locality would be based upon its pro rata share of the personal property tax relief paid in tax year 2009. In addition, localities that have tax rates not exceeding \$0.000001 for tax year 2011 would receive an additional payment for tax year 2010 that represents the remaining net revenues from the new surtax after the payment of the \$950 million state personal property tax relief payment.

Patron: Colgan

SB 545 Income tax laws; conformity to Internal Revenue Code.

A BILL to amend and reenact § 58.1-301 of the Code of Virginia, relating to conformity of the Commonwealth's system of taxation with the Internal Revenue Code.

Summary as introduced:

Conformity with Internal Revenue Code. Advances the date as of which Virginia's system of taxation conforms with the Internal Revenue Code (IRC) from December 31, 2008, to December 31, 2009, and adds three new exceptions; the deferral of certain income under § 108 (i) of the IRC, the original issue discount on applicable high yield discount obligations under IRC § 163 (e)(5)(F), and the amount of the deduction allowed for domestic production activities pursuant to § 199 of the IRC. Taxpayers are preparing and filing returns during the General Assembly Session, therefore, the bill contains an emergency clause.

Patron: Colgan

SB 559 Mineral mining; increases license fee.

A BILL to amend and reenact § 45.1-161.292:31 of the Code of Virginia, relating to mineral mining; license fees.

Summary as introduced:

Mineral mining; license fees. Increases the license fee for a mineral mine license from \$180 to \$450 and the license fee for any person engaged in mining sand or gravel on an area of five acres or less from \$48 to \$120.

Patron: Puckett

SB 714 Estate tax reinstated.

A BILL to amend and reenact §§ 58.1-901, 58.1-902, 58.1-905, and 58.1-912 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 58.1-901.1, relating to the estate tax and dedication of the revenues collected from such tax.

Summary as introduced:

Estate tax reinstated. Reinstates the federal credit amount so that the Commonwealth will receive payments from those estates of persons dying on or after July 1, 2010. No estate tax would be imposed on estates valued at \$5 million or less, working farms, and closely held businesses. The revenues from the estate tax would be used, as provided in the general appropriation act, to fund community-based programs of area agencies on aging, increase Medicaid reimbursement rates for hospitals or nursing homes that serve indigent seniors, and fund the cost of existing or additional waivers from the U.S. Department of Health and Human Services to authorize the Commonwealth to cover certain health care services and delivery systems for senior citizens as may be permitted by Title XIX of the Social Security Act.

Patron: Petersen

2. Failed Bills (2)

HB 223 Estate tax; dedication of revenues collected.

A BILL to amend and reenact §§ 32.1-127, 58.1-901, 58.1-902, 58.1-905, and 58.1-912 of the Code of Virginia, relating to the estate tax and dedication of the revenues collected from such tax.

Summary as introduced:

Estate tax reinstated. Reinstates the estate tax for persons dying on or after July 1, 2010. No estate tax will be imposed on a gross estate if the majority of the assets of the estate is an interest in a closely held business or a working farm. The revenues from the estate tax would first be used for funding staffing standards in nursing homes required to be established under the bill, which staffing standards would require a minimum period of time of direct care services to each resident per 24-hour period.

Patrons: Watts, Kory, Plum, Scott, J.M. and Surovell; Senators: Petersen and Ticer

HB 1362 Motor fuels tax; DMV Commissioner to revoke licenses issued to persons violating tax provisions.

A BILL to amend and reenact § 58.1-2204 of the Code of Virginia, relating to motor fuels tax licensees.

Summary as introduced:

Motor fuels tax; revocation of license. Allows the DMV Commissioner to revoke licenses issued to persons in accordance with motor fuels tax law who are found guilty of violating or of noncompliance with any of the motor fuels tax provisions.

Patron: Pollard