

2008 Virginia General Assembly Session  
Legislative Report  
January 13, 2008

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The 2008 session of the Virginia General Assembly convened this past Wednesday for a 60-day session that will be dominated by consideration and passage of a 2008-09, \$78 billion state budget. The House and Senate are now controlled by different political parties, so the dynamics of moving the budget, and for that matter any controversial legislation, through the legislature takes on a whole new set of challenges as the conservative Republican controlled House and more moderate Democrat controlled Senate each test the will of the other regarding high visibility legislation. This session those "hot" topics will include praising or blasting various components of the Governor's proposed budget, immigration, firearm rights, payday lending, and smoking restrictions. I expect three to four thousand bills and resolutions to be introduced over the next two weeks, all of which will have to be considered and acted upon by the March 8th scheduled adjournment date.

One item in the Governor's budget proposal of particular concern to VUHCC members is his effort to move \$180 million of General Fund money allocated for transportation by last year's session to non-transportation programs in the first year of the two-year budget. The Governor says this is really just a cash-flow transaction in that these dollars would not be needed for transportation projects until the second year of the budget, and based on state revenue projections the borrowed amount will replenished in time for their planned transportation expenditures. But after all of the blood-letting over transportation funding in the 2007 session, many are wondering why he choose this pot - from the dozens he has to pick from - to "borrow" money from in the first year of the budget. VUHCC understands the math but is opposed to the Governor's approach for two reasons. First, the history of the General Assembly is replete with instances of borrowed money not being repaid, and second - the precedent of robbing transportation funds for other purposes has proven to be one of the things that is broken with the state's approach to transportation funding.

You will note from the attached matrix that there are dozens of bills seeking repeal of the abusive drivers' fees passed at the last session. Now the Governor has gotten on that train, calling for their outright repeal as well. The chief patron of this concept, Del. Albo for northern Virginia, refuses to let his baby go however, and insists that the concept is sound. He will be introducing legislation to "fix" last year's bill by making it apply to non-Virginians and reducing the number of violations that are subject to these high punitive fees. My money is on a funeral - not more surgery - for this component of last year's Rube Goldberg transportation funding legislation. But much more importantly, there does not seem to be much impetus from either the House or the Senate, nor the Governor, to make substantive improvements to transportation funding at this session. No one wants to pull off that band-aid quite yet!

At this very early stage of the session VUHCC is also focused on two specific bills - one bad and one good - that need our attention. The bad one is HB 293 which would allow all counties to weigh trucks, and retain any liquidated damage penalties to be used locally to finance more enforcement of overweight trucks (see how that works!). Right now only two counties and cities - all of whom are responsible for maintaining their own roads - have this authority and in all instances the fees generated must be used for transportation improvements. We would like to see this bill go away!

The good bill is HB 366 which disqualifies anyone from receiving unemployment compensation benefits if they fail a DOT-approved drug test and are terminated. Believe it or not, there are instances where applicants have been approved for unemployment in these circumstances and employers have had to appeal the rulings. We need to get this bill passed!

A few words about this opening, and future reports. The attached matrix will provide you with the bill numbers, patrons, and a brief summary of all legislation tracked by the VUHCC. You can click on the *Bill Number* and when the next window comes up click on *Full Text* to actually read the bill as introduced. New language being proposed is always in italics. You can also click on the name of the patron of the bill to see background and contact information on him or her. The matrix will be updated each week to show the progress (or lack thereof) of each piece of legislation being tracked or specifically mentioned in my weekly

reports. And bills that VUHCC is actively taking a position on will be highlighted in these periodic reports. I know the attached matrix is big (and will get bigger) but I feel it is important that VUHCC members have a comprehensive overview of all relevant issues being considered at the session. I would suggest that you scan the matrix report and only open up those bills of specific interest to you and/or those I have highlighted in these reports.

As usual, feel free to contact me if you have questions about any legislation discussed in these weekly reports, or any other matter coming before the 2008 session of the Virginia General Assembly.

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Composite view with notes

Bills	Committee	Last action	Date
<b>HB 6</b> - Brink - Constitutional amendment; exempts certain homeowners from taxation (submitting to qualified voters).	(H) Committee on Privileges and Elections	(H) Assigned P & E sub: Constitutional	01/11/08
<b>HB 11</b> - Albo - Constitutional amendment; exempts certain homeowners from taxation (voter referendum).	(H) Committee on Privileges and Elections	(H) Assigned P & E sub: Constitutional	01/11/08
<b>HB 39</b> - Scott, J.M. - Wireless telecommunications device; prohibits use of text messaging while driving certain vehicles.	(H) Committee on Transportation	(H) Referred to Committee on Transportation	12/05/07

<b>HB 41</b> - Scott, J.M. - Motor fuels tax; modifies rates of taxation thereof.	(H) Committee on Finance	(H) Referred to Committee on Finance	12/05/07
<b>HB 50</b> - Cole - Civil remedial fees on certain drivers; repealed.	(H) Referral Pending	(H) Committee Referral Pending	12/05/07
<b>HB 59</b> - Frederick - Income tax, state; tax credit for health insurance premiums paid by small business employers.	(H) Committee on Finance	(H) Referred to Committee on Finance	12/05/07
<b>HB 67</b> - Marshall, R.G. - Civil remedial fees on certain drivers; repealed.	(H) Referral Pending	(H) Committee Referral Pending	12/07/07
<b>HB 71</b> - Marshall, R.G. - Building permit; localities may adopt provisions for assessment of impact fees prior to issuance.	(H) Committee on Counties, Cities and Towns	(H) Referred to Committee on Counties, Cities and Towns	12/07/07
<b>HB 72</b> - Marshall, R.G. - Building permit; localities may use impact fees for capital improvements.	(H) Committee on Counties, Cities and Towns	(H) Referred to Committee on Counties, Cities and Towns	12/07/07
<b>HB 90</b> - Nichols - Public Procurement Act; verification of legal presence for eligibility of employment.	(H) Referral Pending	(H) Committee Referral Pending	12/13/07
<b>HB 94</b> - Nichols - Secondary highway system; allocates construction funds among counties based on population.	(H) Committee on Appropriations	(H) Referred to Committee on Appropriations	12/17/07
<b>HB 110</b> - Scott, E.T. - Trucks; maximum allowable weights of vehicle combinations.	(H) Committee on Transportation	(H) Referred to Committee on Transportation	12/17/07
<b>HB 111</b> - Scott, E.T. - Highway systems; revenue-sharing funds therefor in certain counties, cities, and towns.	(H) Committee on Appropriations	(H) Referred to Committee on Appropriations	12/17/07
<b>HB 147</b> - Fralin - Transportation Plan; Plan to	(H) Committee on	(H) Referred to Committee on	12/21/07

include regional goals and performance measures for highway districts.	Transportation	Transportation	
<b>HB 148</b> - Fralin - Vehicle weight law enforcement; authorizes enforcement by full-time sworn members of DMV.	(H) Committee on Transportation	(H) Referred to Committee on Transportation	12/21/07
<b>HB 154</b> - Nichols - Civil remedial fees; repeals provision for those imposed on certain drivers.	(H) Referral Pending	(H) Committee Referral Pending	12/21/07
<b>HB 161</b> - Albo - Liquidated damage fees; fees to be paid by all abusive drivers on State highways.	(H) Referral Pending	(H) Committee Referral Pending	12/21/07
<b>HB 185</b> - Marshall, R.G. - Trucks and combination vehicles; Transportation Board to impose fee for use in maintaining highways.	(H) Committee on Transportation	(H) Referred to Committee on Transportation	12/26/07
<b>HB 187</b> - Marshall, R.G. - Public Procurement Act; expands forms of bid, payment, and performance security.	(H) Committee on General Laws	(H) Referred to Committee on General Laws	12/26/07
<b>HB 208</b> - Cole - Public facilities; deferral of subdivision plats or site plans when inadequate.	(H) Committee on Counties, Cities and Towns	(H) Referred to Committee on Counties, Cities and Towns	12/27/07
<b>HB 227</b> - Cosgrove - Contractors, Board for; applications for licensure.	(H) Referral Pending	(H) Committee Referral Pending	12/28/07
<b>HB 272</b> - Miller, P.J. - Constitutional amendment; exempts certain homeowners from taxation (submitting to qualified voters).	(H) Committee on Privileges and Elections	(H) Assigned P & E sub: Constitutional	01/11/08
<b>HB 275</b> - Watts - Motor fuel tax; rate increase.	(H) Committee on Rules	(H) Referred to Committee on	01/02/08

		Rules	
<b>HB 284</b> - <a href="#">Toscano</a> - Income tax credit, earned; employers to provide notice to employees.	(H) Committee on Commerce and Labor	(H) Referred to Committee on Commerce and Labor	01/02/08
<b>HB 287</b> - <a href="#">Kilgore</a> - Civil remedial fees; repeals provision for those imposed on certain drivers.	(H) Referral Pending	(H) Committee Referral Pending	01/03/08
<b>HB 290</b> - <a href="#">Englin</a> - Civil remedial fees; repeals provision for those imposed on certain drivers.	(H) Referral Pending	(H) Committee Referral Pending	01/03/08
<b>HB 293</b> - <a href="#">Poisson</a> - Vehicle weight limit enforcement; county enforcement on highways within its boundaries.	(H) Committee on Transportation	(H) Referred to Committee on Transportation	01/03/08
<b>HB 302</b> - <a href="#">Nichols</a> - Uniform Statewide Building Code; use of diesel fuel or motor oil as release agent prohibited.	(H) Committee on General Laws	(H) Referred to Committee on General Laws	01/03/08
<b>HB 366</b> - <a href="#">Carrico</a> - Unemployment compensation; testing for controlled substances.	(H) Committee on Commerce and Labor	(H) Referred to Committee on Commerce and Labor	01/04/08
<b>HB 389</b> - <a href="#">Bulova</a> - Highway systems; allocation of maintenance funds.	(H) Committee on Transportation	(H) Referred to Committee on Transportation	01/04/08
<b>HB 393</b> - <a href="#">Bulova</a> - Northern Virginia Transportation Authority; changes applicability of certain fund distribution.	(H) Referral Pending	(H) Committee Referral Pending	01/04/08
<b>HB 426</b> - <a href="#">Marshall, R.G.</a> - Public Procurement Act; expands forms of bid, payment, and performance security.	(H) Committee on General Laws	(H) Referred to Committee on General Laws	01/04/08
<b>HB 448</b> - <a href="#">Rust</a> - Civil remedial fees; fees shall be assessed	(H) Referral Pending	(H) Committee Referral Pending	01/04/08

on person who operates motor vehicle on highways.			
<b>HB 450</b> - Rust - Motor vehicle repair services; those embraced by Northern Virginia and Hampton Roads Authorities.	(H) Referral Pending	(H) Committee Referral Pending	01/04/08
<b>HB 451</b> - Rust - Northern Virginia Transportation Authority; increases membership.	(H) Committee on Counties, Cities and Towns	(H) Referred to Committee on Counties, Cities and Towns	01/04/08
<b>HB 471</b> - Watts - Highway construction, primary system; funds allocation.	(H) Committee on Transportation	(H) Referred to Committee on Transportation	01/07/08
<b>HB 490</b> - Amundson - Transportation funding; increases motor fuels tax and repeals certain abusive driver fees.	(H) Referral Pending	(H) Committee Referral Pending	01/07/08
<b>HB 627</b> - May - PPTA; requires projects undertaken thereunder be part of Transportation Board's six-year plan.	(H) Committee on Transportation	(H) Referred to Committee on Transportation	01/08/08
<b>HB 635</b> - May - Impact fees; expands existing road impact fee provisions to include school improvements, etc.	(H) Committee on Counties, Cities and Towns	(H) Referred to Committee on Counties, Cities and Towns	01/08/08
<b>HB 788</b> - Ingram - Highway maintenance payments; Arlington and Henrico Counties receive payments for roads.	(H) Committee on Appropriations	(H) Referred to Committee on Appropriations	01/08/08
<b>HB 826</b> - Gear - Hampton Roads Transportation Authority; expanding Hampton Roads Bridge Tunnel first tier project.	(H) Referral Pending	(H) Committee Referral Pending	01/08/08
<b>HB 828</b> - Gear - Hampton Roads Transportation	(H) Referral Pending	(H) Committee Referral Pending	01/08/08

Authority; removes York County & Cities of Hampton & Poquoson.			
<b>HB 829</b> - Gear - Hampton Roads Transportation Authority; abolishes Authority, taxes, etc., dedicated to operation.	(H) Referral Pending	(H) Committee Referral Pending	01/08/08
<b>HB 904</b> - Mathieson - Use of mobile telephone and other wireless electronic devices while driving.	(H) Committee on Militia, Police and Public Safety	(H) Referred to Committee on Militia, Police and Public Safety	01/08/08
<b>HB 926</b> - Byron - Illegal aliens; disciplinary action for employing.	(H) Referral Pending	(H) Committee Referral Pending	01/08/08
<b>HB 928</b> - Gilbert - Illegal immigration; adopts several measures aimed at curbing in State, report.	(H) Referral Pending	(H) Committee Referral Pending	01/08/08
<b>HB 944</b> - Albo - Public Procurement Act; procurement of professional services for certain transportation projects.	(H) Committee on General Laws	(H) Referred to Committee on General Laws	01/08/08
<b>HB 957</b> - Shannon - Northern Virginia Transportation Authority; increases membership.	(H) Committee on Transportation	(H) Referred to Committee on Transportation	01/08/08
<b>HB 961</b> - Shannon - Highway maintenance; provides for increased payments where traffic volumes exceed statewide average.	(H) Committee on Appropriations	(H) Referred to Committee on Appropriations	01/08/08
<b>HB 976</b> - Shannon - Single lot development; developers to provide stormwater management.	(H) Committee on Counties, Cities and Towns	(H) Referred to Committee on Counties, Cities and Towns	01/08/08
<b>HB 977</b> - Shannon - Statistical information; VDOT to collect and report.	(H) Committee on Transportation	(H) Referred to Committee on Transportation	01/08/08
<b>HB 986</b> - Nutter - Income tax;	(H) Committee	(H) Referred to	01/08/08

tax credit for health insurance premiums paid by small business employers.	on Finance	Committee on Finance	
<b>HB 1027</b> - Frederick - Motor vehicles; regulation of parking of certain vehicles in certain counties.	(H) Referral Pending	(H) Committee Referral Pending	01/08/08
<b>HB 1047</b> - Watts - Illegal immigrants; document verification for employment.	(H) Referral Pending	(H) Committee Referral Pending	01/09/08
<b>HB 1083</b> - Suit - Environmental impact reports; exempts state/local authority from submission on major state project.	(H) Referral Pending	(H) Committee Referral Pending	01/09/08
<b>HB 1108</b> - Rust - Highway construction, primary system; funds allocation.	(H) Referral Pending	(H) Committee Referral Pending	01/09/08
<b>HB 1116</b> - Abbitt - Environmental impact reports.	(H) Referral Pending	(H) Committee Referral Pending	01/09/08
<b>HB 1249</b> - Hugo - Unfair employment practices; discharging employees when unauthorized aliens are employed.	(H) Referral Pending	(H) Committee Referral Pending	01/09/08
<b>HB 1259</b> - O'Bannon - Environmental impact reports; highway projects.	(H) Referral Pending	(H) Committee Referral Pending	01/09/08
<b>HB 1304</b> - Oder - Hampton Roads Transportation Authority; procedures to be followed.	(H) Referral Pending	(H) Committee Referral Pending	01/09/08
<b>HB 1385</b> - Miller, J.H. - Highway construction funds, primary and secondary; funds allocation.	(H) Referral Pending	(H) Committee Referral Pending	01/09/08
<b>HJ 3</b> - Brink - Constitutional amendment; exempts certain homeowners from taxation (second reference).	(H) Committee on Privileges and Elections	(H) Referred to Committee on Privileges and Elections	11/21/07

<b>HJ 4</b> - Albo - Constitutional amendment; exempts certain homeowners from taxation (second reference).	(H) Committee on Privileges and Elections	(H) Referred to Committee on Privileges and Elections	11/26/07
<b>HJ 48</b> - Marshall, R.G. - Constitutional amendment; Transportation Funds.	(H) Committee on Privileges and Elections	(H) Referred to Committee on Privileges and Elections	12/26/07
<b>HJ 56</b> - Miller, P.J. - Constitutional amendment; exempts certain homeowners from taxation (second reference).	(H) Committee on Privileges and Elections	(H) Referred to Committee on Privileges and Elections	01/02/08
<b>HJ 102</b> - Hogan - Health insurance; JLARC to study providing income tax credit to employers that provide to employees.	(H) Committee on Rules	(H) Referred to Committee on Rules	01/08/08
<b>HJ 153</b> - Watts - Public-Private Transportation Act of 1995; study competitive bidding on projects thereunder.	(H) Committee on Rules	(H) Referred to Committee on Rules	01/09/08
<b>HJ 158</b> - Bouchard - Highway Trust Fund, federal; joint subcommittee to study impact on State of decline in funding.	(H) Committee on Rules	(H) Referred to Committee on Rules	01/09/08
<b>HJ 164</b> - Cosgrove - Contractors, licensed; Commission on Immigration to study hiring of undocumented workers & impact.	(H) Committee on Rules	(H) Referred to Committee on Rules	01/09/08
<b>HJ 194</b> - Jones, S.C. - Study; transportation network of Hampton Roads.	(H) Committee on Rules	(H) Referred to Committee on Rules	01/09/08
<b>SB 1</b> - Houck - Civil remedial fees on certain drivers; repealed.	(S) Committee for Courts of Justice	(S) Rereferred to Courts of Justice	01/10/08
<b>SB 2</b> - Puller - Retail Sales	(S) Committee	(S) Referred to	11/21/07

and Use Tax; eliminates exemption for certain fuels.	on Finance	Committee on Finance	
<b>SB 4</b> - Puller - Civil remedial fees on certain drivers; repealed.	(S) Committee for Courts of Justice	(S) Rereferred to Courts of Justice	01/10/08
<b>SB 42</b> - Reynolds - Civil remedial fees; repeals provision for those imposed on certain drivers.	(S) Committee for Courts of Justice	(S) Rereferred to Courts of Justice	01/10/08
<b>SB 55</b> - Houck - Tank wagons; increases total gross weight for overweight permits.	(S) Committee on Transportation	(S) Reported from Transportation (15-Y 0-N)	01/10/08
<b>SB 57</b> - Colgan - Civil remedial fees; repeals provision for those imposed on certain drivers.	(S) Committee for Courts of Justice	(S) Rereferred to Courts of Justice	01/10/08
<b>SB 85</b> - Cuccinelli - Civil remedial fees; repeals provision for those imposed on certain drivers.	(S) Committee for Courts of Justice	(S) Rereferred to Courts of Justice	01/10/08
<b>SB 90</b> - Colgan - Employment; verification of eligibility.	(S) Committee on Commerce and Labor	(S) Referred to Committee on Commerce and Labor	12/26/07
<b>SB 176</b> - Blevins - Hampton Roads Transportation Authority; taxes and fees of the Authority.	(S) Committee on Finance	(S) Rereferred to Finance	01/10/08
<b>SB 185</b> - Herring - Impact fees; grants authority to high-growth localities.	(S) Committee on Local Government	(S) Referred to Committee on Local Government	01/07/08
<b>SB 189</b> - Herring - Highway construction; increases cost of project using state or local employees.	(S) Committee on Transportation	(S) Referred to Committee on Transportation	01/07/08
<b>SB 444</b> - Petersen - Funding for transportation and transportation-related alternatives.	(S) Committee on Finance	(S) Referred to Committee on Finance	01/09/08
<b>SB 445</b> - Petersen - Funding	(S) Committee	(S) Referred to	01/09/08

for transportation and transportation-related alternatives.	on Finance	Committee on Finance	
<b>SB 449</b> - Petersen - PPTA; competitive bidding.	(S) Committee on Transportation	(S) Referred to Committee on Transportation	01/09/08
<b>SB 517</b> - Cuccinelli - Virginia Public Procurement Act;	(S) Committee for Courts of Justice	(S) Referred to Committee for Courts of Justice	01/09/08
<b>SJ 91</b> - Norment - Constitutional amendment (first resolution); Transportation Funds.	(S) Committee on Privileges and Elections	(S) Referred to Committee on Privileges and Elections	01/09/08
<b>SJ 92</b> - Stolle - Study; Hampton Roads transportation entities; report.	(S) Committee on Rules	(S) Referred to Committee on Rules	01/09/08