2008 Virginia General Assembly Legislative Report 1/20/2008

As we entered the second week of the 2008 session, nearly 2000 bills and resolutions have been filed. The deadline for submitting bills for introduction was last Friday at 5 p.m., so by early next week we should have all 2008 legislation before us. I expect another 1000 or so bills and resolutions to come down the chute by that time.

As you can see from the attached matrix, we already have a boatload of bills affecting our sector. But while the numbers of industry-related bills appears unusually large, the number of bills that have a snowman's chance of succeeding is not, in fact, a large number. For example there are lots of bills introduced to essentially dismantle the regional transportation authorities, along with their local taxing powers, created in last year's transportation funding legislation - HB 3202. Not going to happen!

More constructively, there are some bills like Sen. Blevins SB 176 and Sen. Saslaw's SB 729 that tweak HB 3202 in ways that may make sense, or at the very least, deserve some discussion among legislators. VUHCC position on these "tweak bills" is really not to reopen the whole can of worms regarding the merits of HB 3202, but rather to try and ensure than any changes are, at the very least, revenue neutral for their respective regions, and at best create more funding streams for local transportation projects, as Sen. Blevins' bill would for the Tidewater area.

Legislators from the Richmond area are now realizing that creating regional authorities to fund and oversee local transportation projects may be the only legislative approach that can generate new and substantial transportation funding AND pass legislative muster in Virginia. So Richmond Delegate Frank Hall and Senator John Watkins have each introduced bills (no bill numbers assigned yet) to try and get the ball rolling in central Virginia. Each bill is slightly different, but they both are intended to serve as a catalyst for creation of a local transportation funding/construction entity. Reaction from regional leaders has been mixed so far, but VUHCC is urging Richmond area legislators to get such a framework in place, even if local governments then choose not to use it immediately.

This week saw all of the many Senate bills dealing with the repeal of the Abusive Driver Fees rolled into one bill (SB 1) in the Senate Courts Committee, and rereferred Sen. Houck's bill to the Senate Finance Committee for final disposition in the Senate. The deal was to go for flatout repeal, but not to refund fees already paid under this newly-enacted, and hotly-contested program that was supposed to raise more than \$50 million a year in new transportation funding dollars. On the House side, the Transportation Committee voted 19-1 for repeal this week, and the Governor announced that he not only wanted repeal, but he sought emergency legislation so that the repeal would go into effect immediately upon passage and his signature, as opposed to the normal July 1st effective date of non-emergency legislation. While VUHCC did not support the creation of these fees, our concern now should they be repealed - and as I mentioned in last week's report, I think they are going to be repealed - is how are we going to make up the lost revenues (which is turns out is way less than the anticipated \$50-\$60 million annually).

And aside from Transportation, there is a frighteningly large block of bills that would negatively impact trucks in such ways as granting all localities the ability to weigh and assess fines to those they find overweight, to creating a new schedule of overweight penalties that would be adjusted every four years to determine what the liquidated damage fee schedule should be, based on a study of "the added maintenance costs associated with increased weight" of the truck (HB 1551). VUHCC is strongly opposed to this legislation, especially since we have, in the last five years, agreed twice to increases in the liquidated damages section of the code dealing with overweight trucks.

The second big block of troubling bills deals with the hot-button issue of immigration. Most are like, or offer some variation of, HB 1558, which basically creates additional employer burdens in an effort to ensure that only those workers and independent contractor that are "legally eligible for employment" are hired. A single violation could remove a contractor from being able to do business (debarred) with the state and localities and some go as far as saying that if such a violation is discovered after a contract is let or is in progress, the contract would be immediately terminated! VUHCC finds that most of these bills are pretty draconian given the nature of the infraction. We continue to argue that the burden of controlling illegal aliens is a federal issue, and enforcement should

not drop into the laps of small business simply because no one else has been successful in effectively dealing with this problem. Finally, if the burden is going to be dropped on small business, there needs to be a quick, easy, reliable mechanism in place for businesses to use, and if they do be off the hook for the sudden-death penalties many of the bills on this subject create. Most of this legislation will, I believe, be combined into one or two bills that will hopefully address our concerns. We will be watching and working on them in the meantime.

More, next week!

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Composite view with notes

Bills	Committee	Last action	Date
HB 6 - 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
HB 11 - 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
HB 39 - Scott, J.M Wireless telecommunications device; prohibits use of	(H) Committee on Transportation	(H) Passed by in Transportation with letter	01/15/08

text messaging while driving certain vehicles.			
HB 41 - Scott, J.M Motor fuels tax; modifies rates of taxation thereof.	(H) Committee on Finance	(H) Assigned Finance sub: 2	01/15/08
HB 50 - Cole - Civil remedial fees on certain drivers; repealed.	(H) Committee on Transportation	(H) Referred to Committee on Transportation	12/05/07
HB 59 - Frederick - Income tax, state; tax credit for health insurance premiums paid by small business employers.	(H) Committee on Finance	(H) Assigned Finance sub: 3	01/15/08
HB 67 - Marshall, R.G Civil remedial fees on certain drivers; repealed.	(H) Committee on Transportation	(H) Referred to Committee on Transportation	12/07/07
HB 71 - 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
HB 72 - 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
HB 90 - Nichols - Public Procurement Act; verification of legal presence for eligibility of employment.	(H) Committee on Rules	(H) Referred to Committee on Rules	12/13/07
HB 94 - Nichols - Secondary highway system; allocates construction funds among counties based on population.	(H) Committee on Appropriations	(H) Assigned App. sub: Transportation (May)	01/15/08
HB 110 - Scott, E.T Trucks; maximum allowable weights of vehicle combinations.	(H) Committee on Transportation	(H) Tabled in Transportation	01/15/08
HB 111 - Scott, E.T Highway systems;	(H) Committee on Appropriations	(H) Assigned App. sub: Transportation	01/15/08

revenue-sharing funds therefor in certain counties, cities, and towns.		(May)	
HB 147 - Fralin - Transportation Plan; Plan to include regional goals and performance measures for highway districts.	(H) Committee on Transportation	(H) Assigned Transportation sub: 1	01/14/08
HB 148 - Fralin - Vehicle weight law enforcement; authorizes enforcement by full-time sworn members of DMV.	(H) Committee on Transportation	(H) Assigned Transportation sub: 2	01/14/08
HB 154 - Nichols - Civil remedial fees; repeals provision for those imposed on certain drivers.	(H) Committee on Transportation	(H) Referred to Committee on Transportation	12/21/07
HB 161 - Albo - Liquidated damage fees; fees to be paid by all abusive drivers on State highways.	(H) Committee on Transportation	(H) Referred to Committee on Transportation	12/21/07
HB 185 - Marshall, R.G Trucks and combination vehicles; Transportation Board to impose fee for use in maintaining highways.	(H) Committee on Transportation	(H) Assigned Transportation sub: 2	01/16/08
HB 187 - 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
HB 208 - 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
HB 227 - Cosgrove - Contractors, Board for; applications for licensure.	(H) Committee on Rules	(H) Referred to Committee on Rules	12/28/07
HB 272 - Miller, P.J	(H) Committee on	(H) Assigned P & E	01/11/08

Constitutional amendment; exempts certain homeowners from taxation (submitting to qualified voters).	Privileges and Elections	sub: Constitutional	
HB 275 - Watts - Motor fuel tax; rate increase.	(H) Committee on Rules	(H) Referred to Committee on Rules	01/02/08
HB 284 - Toscano - Income tax credit, earned; employers to provide notice to employees.	(H) Committee on Commerce and Labor	(H) Assigned C & L sub: 2	01/14/08
HB 287 - Kilgore - Civil remedial fees; repeals provision for those imposed on certain drivers.	(H) Committee on Transportation	(H) Referred to Committee on Transportation	01/03/08
HB 290 - Englin - Civil remedial fees; repeals provision for those imposed on certain drivers.	(H) Committee on Transportation	(H) Referred to Committee on Transportation	01/03/08
HB 293 - Poisson - Vehicle weight limit enforcement; county enforcement on highways within its boundaries.	(H) Committee on Transportation	(H) Referred to Committee on Transportation	01/03/08
HB 302 - Nichols - Uniform Statewide Building Code; use of diesel fuel or motor oil as release agent prohibited.	(H) Committee on General Laws	(H) Assigned GL sub: Housing	01/17/08
HB 366 - Carrico - Unemployment compensation; testing for controlled substances.	(H) Committee on Commerce and Labor	(H) Committee substitute printed 080133460-H1	01/18/08
HB 389 - Bulova - Highway systems; allocation of maintenance funds.	(H) Committee on Transportation	(H) Assigned Transportation sub:	01/14/08
HB 393 - Bulova - Northern Virginia Transportation Authority; changes applicability of certain fund	(H) Committee on Transportation	(H) Referred to Committee on Transportation	01/04/08

distribution.			
HB 426 - 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	01/04/08
HB 448 - Rust - Civil remedial fees; fees shall be assessed on person who operates motor vehicle on highways.	(H) Committee on Transportation	(H) Referred to Committee on Transportation	01/04/08
HB 450 - Rust - Motor vehicle repair services; those embraced by Northern Virginia and Hampton Roads Authorities.	(H) Referral Pending	(H) Committee Referral Pending	01/04/08
HB 451 - 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
HB 471 - Watts - Highway construction, primary system; funds allocation.	(H) Committee on Transportation	(H) Assigned Transportation sub:	01/14/08
HB 490 - Amundson - Transportation funding; increases motor fuels tax and repeals certain abusive driver fees.	(H) Committee on Transportation	(H) Referred to Committee on Transportation	01/07/08
HB 627 - May - PPTA; requires projects undertaken thereunder be part of Transportation Board's six-year plan.	(H) Committee on Transportation	(H) Assigned Transportation sub: 1	01/14/08
HB 635 - 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
HB 788 - Ingram - Highway maintenance payments;	(H) Committee on Appropriations	(H) Assigned App. sub: Transportation	01/15/08

Arlington and Henrico Counties receive payments for roads.		(May)	
HB 826 - Gear - Hampton Roads Transportation Authority; expanding Hampton Roads Bridge Tunnel first tier project.	(H) Committee on Transportation	(H) Referred to Committee on Transportation	01/08/08
HB 828 - Gear - Hampton Roads Transportation Authority; removes York County & Cities of Hampton & Poquoson.	(H) Committee on Transportation	(H) Referred to Committee on Transportation	01/08/08
HB 829 - Gear - Hampton Roads Transportation Authority; abolishes Authority, taxes, etc., dedicated to operation.	(H) Committee on Transportation	(H) Referred to Committee on Transportation	01/08/08
HB 904 - Mathieson - Mobile telephone and other wireless electronic devices; use of hands-free accessory while driving.	(H) Committee on Militia, Police and Public Safety	(H) Referred to Committee on Militia, Police and Public Safety	01/08/08
HB 926 - Byron - Illegal aliens; disciplinary action for employing.	(H) Committee on Rules	(H) Referred to Committee on Rules	01/08/08
HB 928 - Gilbert - Illegal immigration; adopts several measures aimed at curbing in State, report.	(H) Committee on Rules	(H) Referred to Committee on Rules	01/08/08
HB 944 - Albo - Public Procurement Act; procurement of professional services for certain transportation projects.	(H) Committee on General Laws	(H) Assigned GL sub: FOIA	01/17/08
HB 957 - Shannon - Northern Virginia Transportation Authority; increases membership.	(H) Committee on Transportation	(H) Referred to Committee on Transportation	01/08/08
HB 961 - Shannon - Highway	(H) Committee on	(H) Assigned App.	01/15/08

maintenance; provides for	Appropriations	cub: Transportation	
increased payments where traffic volumes exceed statewide average.	Арргорнацонз	sub: Transportation (May)	
HB 976 - 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
HB 977 - Shannon - Statistical information; VDOT to collect and report.	(H) Committee on Transportation	(H) Referred to Committee on Transportation	01/08/08
HB 986 - Nutter - Income tax, state; tax credit for health insurance premiums paid by small business employers.	(H) Committee on Finance	(H) Assigned Finance sub: 3	01/15/08
HB 1027 - Frederick - Motor vehicles; regulation of parking of certain vehicles in certain counties.	(H) Committee on Transportation	(H) Assigned Transportation sub: 2	01/18/08
HB 1047 - Watts - Illegal immigrants; document verification for employment.	(H) Committee on Rules	(H) Referred to Committee on Rules	01/09/08
HB 1083 - Suit - Environmental impact reports; exempts state/local authority from submission on major state project.	(H) Committee on Agriculture, Chesapeake and Natural Resources	(H) Referred to Committee on Agriculture, Chesapeake and Natural Resources	01/09/08
HB 1108 - Rust - Highway construction, primary system; funds allocation.	(H) Committee on Appropriations	(H) Assigned App. sub: Transportation (May)	01/15/08
HB 1116 - Abbitt - Environmental impact reports; required for any major state construction project over \$1 million.	(H) Committee on Agriculture, Chesapeake and Natural Resources	(H) Referred to Committee on Agriculture, Chesapeake and Natural Resources	01/09/08
HB 1249 - Hugo - Unfair employment practices;	(H) Committee on Rules	(H) Referred to Committee on	01/09/08

discharging employees when unauthorized aliens are employed.		Rules	
HB 1259 - O'Bannon - Environmental impact reports; requires county, city, or town to submit report on highway projects.	(H) Committee on Agriculture, Chesapeake and Natural Resources	(H) Referred to Committee on Agriculture, Chesapeake and Natural Resources	01/09/08
HB 1304 - Oder - Hampton Roads Transportation Authority; procedures to be followed.	(H) Committee on Transportation	(H) Referred to Committee on Transportation	01/09/08
HB 1385 - Miller, J.H Highway construction funds, primary and secondary; funds allocation.	(H) Committee on Transportation	(H) Referred to Committee on Transportation	01/09/08
HB 1437 - Bulova - Trees; conservation during land development process for air quality improvement.	(H) Committee on Counties, Cities and Towns	(H) Referred to Committee on Counties, Cities and Towns	01/14/08
HB 1444 - Oder - Hampton Roads Transportation Authority; abolishes Authority, taxes, etc., dedicated to operation.	(H) Committee on Transportation	(H) Referred to Committee on Transportation	01/15/08
HB 1515 - Gilbert - Public- Private Transportation Act; prohibits private entity from imposing tolls on Interstates.	(H) Referral Pending	(H) Committee Referral Pending	01/17/08
HB 1516 - Gilbert - Public- Private Transportation Act; prohibits private entity from imposing tolls on Interstates.	(H) Referral Pending	(H) Committee Referral Pending	01/17/08
HB 1546 - Athey - Weight limit; town ordinance thereof on certain roads.	(H) Referral Pending	(H) Committee Referral Pending	01/18/08
HB 1548 - Morgan - Landfills; prohibits those	(H) Referral Pending	(H) Committee Referral Pending	01/18/08

publicly owned from accepting construction and demolition debris.			
HB 1551 - Bowling - Vehicle overweight and overload permits.	(H) Referral Pending	(H) Committee Referral Pending	01/18/08
HB 1554 - McClellan - Virginia Public Procurement Act; small, women-, or minority- owned businesses.	(H) Referral Pending	(H) Committee Referral Pending	01/18/08
HB 1558 - Cline - Public Procurement Act; verification of legal presence.	(H) Referral Pending	(H) Committee Referral Pending	01/18/08
HB 1565 - Crockett-Stark - Multicounty/city Transportation District.	(H) Referral Pending	(H) Committee Referral Pending	01/18/08
HJ 3 - Brink - Constitutional amendment; exempts certain homeowners from taxation (second reference).	(H) Committee on Privileges and Elections	(H) Assigned P & E sub: Constitutional	01/15/08
HJ 4 - Albo - Constitutional amendment; exempts certain homeowners from taxation (second reference).	(H) Committee on Privileges and Elections	(H) Assigned P & E sub: Constitutional	01/15/08
HJ 48 - Marshall, R.G Constitutional amendment; Transportation Funds.	(H) Committee on Privileges and Elections	(H) Continued to 2009 in Privileges and Elections	01/18/08
HJ 56 - Miller, P.J Constitutional amendment; exempts certain homeowners from taxation (second reference).	(H) Committee on Privileges and Elections	(H) Assigned P & E sub: Constitutional	01/15/08
HJ 102 - 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

HJ 153 - 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
HJ 158 - 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
HJ 164 - 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
HJ 194 - Jones, S.C Hampton Roads; joint subcommittee to study transportation network.	(H) Committee on Rules	(H) Referred to Committee on Rules	01/09/08
SB 1 - Houck - Civil remedial fees on certain drivers; repealed.	(S) Committee on Finance	(S) Committee substitute printed 080826244-S1	01/17/08
SB 2 - Puller - Retail Sales and Use Tax; eliminates exemption for certain fuels.	(S) Committee on Finance	(S) Referred to Committee on Finance	11/21/07
SB 4 - Puller - Civil remedial fees on certain drivers; repealed.	(S) Committee for Courts of Justice	(S) Incorporated by Courts of Justice (SB1-Houck) (15-Y 0-N)	01/16/08
sB 42 - Reynolds - Civil remedial fees; repeals provision for those imposed on certain drivers.	(S) Committee for Courts of Justice	(S) Incorporated by Courts of Justice (SB1-Houck) (15-Y 0-N)	01/16/08
SB 55 - Houck - Tank wagons; increases total gross weight for overweight permits.	(S) Committee on Transportation	(S) Communicated to House	01/16/08
sb 57 - Colgan - Civil remedial fees; repeals provision for those	(S) Committee for Courts of Justice	(S) Incorporated by Courts of Justice (SB1-Houck) (15-Y	01/16/08

imposed on certain drivers.		0-N)	
SB 85 - Cuccinelli - Civil remedial fees; repeals provision for those imposed on certain drivers.	(S) Committee for Courts of Justice	(S) Incorporated by Courts of Justice (SB1-Houck) (8-Y 7-N)	01/16/08
SB 90 - Colgan - Employment; verification of eligibility.	(S) Committee on Commerce and Labor	(S) Referred to Committee on Commerce and Labor	12/26/07
SB 176 - Blevins - Hampton Roads Transportation Authority; changes to taxes and fees that may be imposed.	(S) Committee on Finance	(S) Rereferred to Finance	01/10/08
SB 185 - Herring - Impact fees; grants authority to high-growth localities.	(S) Committee on Local Government	(S) Referred to Committee on Local Government	01/07/08
SB 189 - Herring - Highway construction; increases cost of project using state or local employees.	(S) Committee on Transportation	(S) Reported from Transportation (14- Y 0-N)	01/17/08
SB 444 - Petersen - Motor fuels tax; funding for transportation-related alternatives.	(S) Committee on Finance	(S) Referred to Committee on Finance	01/09/08
SB 445 - Petersen - Motor fuels tax; funding for transportation related alternatives.	(S) Committee on Finance	(S) Referred to Committee on Finance	01/09/08
SB 449 - Petersen - Public- Private Transportation Act; competitive bidding.	(S) Committee on Transportation	(S) Referred to Committee on Transportation	01/09/08
SB 517 - Cuccinelli - Public Procurement Act; contractors to certify immigration status verification on all employees.	(S) Committee for Courts of Justice	(S) Referred to Committee for Courts of Justice	01/09/08
SB 558 - Obenshain - Vehicle weight limit statutes; enforcement by local law-	(S) Committee on Transportation	(S) Referred to Committee on Transportation	01/09/08

enforcement agencies.			
SB 632 - Ticer - Trees; conservation of during land development process for air quality improvement.	(S) Committee on Local Government	(S) Referred to Committee on Local Government	01/09/08
SB 660 - Miller, Y.B Hampton Roads Transportation Authority; power to enter into design- build contracts.	(S) Committee on Transportation	(S) Reported from Transportation (14- Y 0-N)	01/17/08
SB 676 - Miller, J.C Hampton Roads Transportation Authority; abolishes Authority, taxes, etc., dedicated to operation.	(S) Committee on Transportation	(S) Referred to Committee on Transportation	01/14/08
SB 713 - Saslaw - Motor fuels taxes.	(S) Committee on Finance	(S) Referred to Committee on Finance	01/17/08
SB 724 - Cuccinelli - Hampton Roads and Northern Virginia Transportation Authorities.	(S) Committee on Finance	(S) Referred to Committee on Finance	01/17/08
SB 729 - Saslaw - Northern Virginia Transportation Authority; revenues of the Authority.	(S) Committee on Finance	(S) Referred to Committee on Finance	01/18/08
SB 753 - Obenshain - Public- Private Transportation Act; tolls on Interstate 81.	(S) Committee on Transportation	(S) Referred to Committee on Transportation	01/18/08
SB 754 - Obenshain - Public- Private Transportation Act; tolls on Interstate highways.	(S) Committee on Transportation	(S) Referred to Committee on Transportation	01/18/08
SJ 91 - Norment - Constitutional amendment; Transportation Funds (first reference).	(S) Committee on Privileges and Elections	(S) Referred to Committee on Privileges and Elections	01/09/08
SJ 92 - Stolle - Transportation entities; joint subcommittee to	(S) Committee on Rules	(S) Referred to Committee on Rules	01/09/08

study relationship, duties, etc. in Hampton Roads.			
sJ 122 - Colgan - Rapid transit service; joint subcommittee to study enhancing thereof in Northern Virginia.	(S) Committee on Rules	(S) Referred to Committee on Rules	01/15/08