

2009 Virginia General Assembly Session Legislative Report – January 18, 2009

The General Assembly prepares for its first full week of session, I wanted to provide you with a brief overview of the first few days of the 2009 General Assembly Session, as well as a list of bills that we felt were pertinent to the VUHCC.

Upon the gaveling of the session to order on Wednesday, the Democrats and Republicans in the House of Delegates became immediately embroiled in a battle over whether to seat Charniele Herring (D-Alexandria), who was narrowly elected to fill the unexpired term of Delegate Brian Moran (D-Alexandria) (Moran resigned his seat to dedicate his full attention to seeking the Democratic gubernatorial nomination). Ms. Herring won the special election the day before by a scant 16 votes. While Ms. Herring was certified as the winner of the contest by the State Board of Elections, the results are being contested by Ms. Herring's Republican opponent, Joe Murray. The House Republican majority has insisted on delaying Ms. Herring's from taking her seat until an official recount is completed. The Democrats have insisted on calling for a vote to accept the State Board of Election's certificate of election and seat Ms. Herring for the past three days. The motion failed each time on a party line vote.

In addition to the controversy over seating the new delegate from Alexandria, the House also was embroiled in a bitter and partisan debate over a bill sponsored by Delegate Chris Saxman that would prohibit legislators, as well as the governor, lieutenant governor, and attorney general from attending fundraisers during the General Assembly Session. The measure is aimed largely at the Democratic Party's annual Jefferson-Jackson fundraising event, which is a major fundraising event that occurs every February. The bill was the subject of two days' worth of heated debate, and was eventually passed, with many Democrats supporting the measure even though they complained that it was nothing more than a politically motivated bill that obscured the real issues Virginians are concerned about. The intense bickering in the House of Delegates during the first several days of the session might be a harbinger of the political contentiousness that is to come over the next five weeks.

Governor Tim Kaine delivered his state of the Commonwealth Address that was somewhat somber due to the difficult economic times that lay before Virginia and the nation. Governor Kaine said that the economic challenges would require significant budget reductions. The Governor enumerated a number of cuts that he included in his budget, including cuts related to transportation. The Governor said that Virginia's transportation infrastructure faces continuing challenges with the decline in gas tax and automobile sales tax revenues. The Governor reported that VDOT will reduce central office staff and streamline operations around the state, resulting in the reduction in VDOT personnel by about 1,000 employees. He added that the declining revenues have forced the CTB to rewrite the six year construction plan, eliminating dozens of road and bridge projects across the state.

The Governor spent much of his speech discussing the strategic investments he is suggesting to stimulate growth and job creation around the state (many of these strategies will focus on the creation of green jobs and development of alternative and renewable energy technologies and industries). The Governor also highlighted his plan to aggressively advance some of the capital projects that the General Assembly has already authorized. Governor Kaine reported that the Department of General Services and the Department of Planning and Budget have identified projects in which the planning can be completed and construction can begin within the next few months. The Governor said that he was setting a goal that a minimum of 30 state capital projects worth at least \$250 million in construction costs would be put to bid prior to the end of the fiscal year. This would equate to an average of six projects a month between February 1 and June 30, 2009.

It appears at this point that despite the myriad of Inaugural activities happening on Monday and Tuesday, the General Assembly will maintain a normal schedule, although there are reports that the Senate will limit its action to non- controversial measures at the beginning of the week so that many of its members can attend the activities in Washington, D.C. The House does not seem to be operating under that arrangement.

Attached is a list of bills that are of interest to VUHCC members. I would draw your attention to a couple of issues that we will be focusing our attention on during the session. HB 2319, sponsored by Delegate Bob Marshall (R-Prince William County), and SB 1048 sponsored by Senate Transportation Chairwoman Yvonne Miller (D-Norfolk) both would substantially increase truck permitting fees (these revised fees could represent an increase of \$500 per truck per year). This effort is being supported by VDOT. We have had discussions with a number of General Assembly members, and while there are those who believe that overweight trucks should pay more for the maintenance of the Commonwealth's roads, there are others who believe the increases contemplated in both bills are simply too high.

In term of transportation funding, HB 1579, sponsored by Delegate Glen Oder (R-Newport News) appears to be the only opportunity to provide additional funding for transportation infrastructure this session from the House Republican leadership's perspective. The House Republicans will not consider any broad based fee increases. There are several bills that have been offered that would convert the cents-per-gallon gas tax to a percentage. One of the bills, HB 1661 offered by Delegate Jim Scott (D-Fairfax County), would likely yield additional revenue for transportation in the future, while HB 1846 sponsored by Delegate Scott Lingamfelter, would convert the gas tax at a percentage that would probably result in the loss of transportation funding.

As has been the case in previous years, there are currently two bills that have been offered that would allow certain Northern Virginia localities to prohibit parking certain vehicles on residential streets. Delegate Dave Albo (R-Fairfax County) Delegate Albo has said that this is a serious issue with his constituents. He said that currently, law enforcement officials can not enforce local ordinances restricting parking in residential neighborhood because they can not estimate the weight of certain vehicles (currently there is a prohibition against parking vehicles with a gross weight of 12,000 pounds or more). Thus, he has offered HB 1694, which removes the weight reference, and replaces it with the phrase "vehicles registered as a truck". According to Delegate Albo, the "truck" designation is denoted on the license plate, which makes enforcement of the local parking ordinance easy. Delegate Dave Marsden (D-Fairfax County) has a parking restriction measure that goes even further. Delegate Marsden's bill (HB 2231) would allow the specified localities to prohibit trucks or panel trucks with a gross weight of 7,500 pounds or less from parking in residential areas.

It is worth noting that the deadline to introduce bills is Friday, January 23, so it is likely we will have several new bills to consider next week.

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Composite view with notes

Bills	Committee	Last action	Date
HB 1579 - Oder - Transportation funding, etc; certain revenues attributable to economic growth in Hampton Roads, etc.	(H) Committee on Transportation	(H) Assigned Transportation sub: 4	01/16/09
HB 1580 - Oder - Hampton Roads Transportation Authority; abolishes Authority, and fees, etc. dedicated to financing.	(H) Committee on Transportation	(H) Assigned Transportation sub: 4	01/16/09
HB 1628 - Cole - Contractor performance bonds; amount for locally administered transportation improvement projects.	(H) Committee on Transportation	(H) Referred to Committee on Transportation	12/03/08
HB 1645 - Marshall, D.W. - Highway system construction, urban; allocations to localities.	(H) Committee on Appropriations	(H) Referred to Committee on Appropriations	12/12/08
HB 1659 - Howell, A.T. - Wireless telecommunications devices; prohibits use of while driving except in an emergency.	(H) Committee on Militia, Police and Public Safety	(H) Referred to Committee on Militia, Police and Public Safety	12/15/08
HB 1661 - Scott, J.M. - Motor fuels tax; converts rates to percentage that shall be calculated by DMV Commissioner.	(H) Committee on Finance	(H) Assigned Finance sub: 1	01/16/09
HB 1677 - Orrock - Contractor performance bonds; amount for locally administered transportation improvement projects.	(H) Committee on Transportation	(H) Referred to Committee on Transportation	12/23/08

HB 1694 - Albo - Parking; allows certain counties and towns to prohibit parking of certain vehicles on streets.	(H) Committee on Transportation	(H) Referred to Committee on Transportation	01/05/09
HB 1710 - Oder - Contracts; certain indemnification provisions in construction contracts declared void.	(H) Committee on General Laws	(H) Assigned GL sub: Professional/Occupational/Adminstrative Process	01/14/09
HB 1723 - Albo - Highway Maintenance and Operating Fund; provides a formula for allocating proceeds.	(H) Committee on Transportation	(H) Assigned Transportation sub: 4	01/16/09
HB 1728 - Cole - Road impact fees; allows localities to reduce or exempt fee for commercial development.	(H) Committee on Counties, Cities and Towns	(H) Referred to Committee on Counties, Cities and Towns	01/06/09
HB 1759 - Marshall, R.G. - Transportation Capital Projects Bond Act of 2009; created.	(H) Committee on Transportation	(H) Referred to Committee on Transportation	01/08/09
HB 1769 - Dance - 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	01/08/09
HB 1839 - Albo - Commercial real estate tax; used for local projects and construct new roads.	(H) Committee on Finance	(H) Assigned Finance sub: 2	01/16/09
HB 1993 - Bulova - Highway maintenance funds; requirements for Commonwealth Transportation Board in allocating.	(H) Committee on Transportation	(H) Referred to Committee on Transportation	01/13/09
HB 1995 - Bulova - Northern Virginia Transportation Authority; adds Cities of Alexandria, etc., to use % of revenues.	(H) Committee on Transportation	(H) Referred to Committee on Transportation	01/13/09

HB 2019 - Rust - Transportation corridors; Transportation Board to establish connection with Transportation Plan .	(H) Committee on Transportation	(H) Referred to Committee on Transportation	01/13/09
HB 2020 - Rust - Highway maintenance funds; provides method Transportation Board is to allocate additional funds.	(H) Committee on Transportation	(H) Referred to Committee on Transportation	01/13/09
HB 2066 - Hamilton - Public-Private Transportation Act of 1995; establishes provisions that apply.	(H) Committee on Transportation	(H) Referred to Committee on Transportation	01/13/09
HB 2075 - Scott, E.T. - Overweight/oversize vehicle permits; violation of terms & conditions thereof does not void permit.	(H) Committee on Transportation	(H) Referred to Committee on Transportation	01/13/09
HB 2117 - Nichols - HOT lanes; prohibits on any portion of I-95 between Potomac River and City of Fredericksburg.	(H) Committee on Transportation	(H) Referred to Committee on Transportation	01/13/09
HB 2118 - Nichols - Secondary highway system construction allocations; allocates among counties on basis of population.	(H) Committee on Transportation	(H) Referred to Committee on Transportation	01/13/09
HB 2121 - Nichols - Public Procurement Act; verification of legal presence of contractors for employment.	(H) Committee on General Laws	(H) Referred to Committee on General Laws	01/13/09
HB 2130 - Miller, J.H. - Supplemental Highway Construction Fund; established.	(H) Committee on Appropriations	(H) Referred to Committee on Appropriations	01/13/09
HB 2194 - Watts - Motor fuels tax; rate increase used for transportation purposes.	(H) Committee on Finance	(H) Referred to Committee on Finance	01/14/09

HB 2206 - Frederick - Budget Bill; Governor to include funding for transportation in biennium equal to at least 10%.	(H) Committee on Appropriations	(H) Referred to Committee on Appropriations	01/14/09
HB 2230 - Marsden - Highway construction allocations; Transportation Board allocate projects in Northern Virginia, etc.	(H) Committee on Transportation	(H) Referred to Committee on Transportation	01/14/09
HB 2231 - Marsden - Parking; adds pickup and panel trucks to list of vehicles that Fairfax, etc. may prohibit therefrom.	(H) Committee on Transportation	(H) Referred to Committee on Transportation	01/14/09
HB 2319 - Marshall, R.G. - Overload and overweight permits; revises fees.	(H) Committee on Transportation	(H) Referred to Committee on Transportation	01/14/09
HB 2380 - Scott, J.M. - Wireless telecommunications devices; prohibits use of text messaging while driving certain vehicles.	(H) Committee on Transportation	(H) Referred to Committee on Transportation	01/14/09
HB 2425 - May - Primary and secondary system of state highways	(H) Committee on Transportation	(H) Referred to Committee on Transportation	01/14/09
HB 2470 - Hugo - Northern Virginia Transportation District Fund; dedication of state matching funds to the Washington	(H) Committee on Finance	(H) Referred to Committee on Finance	01/14/09
HJ 620 - Oder - Constitutional amendment; Transportation Fund, Highway Maintenance and Operating Fund, etc.	(H) Committee on Privileges and Elections	(H) Assigned P & E sub: Constitutional	01/15/09
HJ 626 - Poisson - Motor fuel tax; joint subcommittee to study replacement with mileage-based fee.	(H) Committee on Rules	(H) Referred to Committee on Rules	10/14/08

HJ 687 - Rust - Study; tolling of highways; report.	(H) Committee on Rules	(H) Referred to Committee on Rules	01/13/09
HJ 711 - Jones - Study; Joint Subcommittee to Study the Transportation Network of Hampton Roads; report.	(H) Committee on Rules	(H) Referred to Committee on Rules	01/14/09
HJ 720 - Marshall, R.G. - Constitutional amendment (first resolution); Transportation Funds.	(H) Committee on Privileges and Elections	(H) Referred to Committee on Privileges and Elections	01/14/09
SB 874 - Ticer - Mobile telephone and other wireless electronic devices; use of hands-free accessory while driving.	(S) Committee on Transportation	(S) Referred to Committee on Transportation	12/29/08
SB 900 - McDougle - Contractor performance bonds; pertaining to locally administered transportation projects.	(S) Committee on Transportation	(S) Referred to Committee on Transportation	12/31/08
SB 966 - Blevins - Wireless telecommunications devices; prohibits use of while driving except in an emergency.	(S) Committee on Transportation	(S) Referred to Committee on Transportation	01/12/09
SB 995 - Miller, J.C. - Hampton Roads Transportation Authority; abolished, makes several technical changes.	(S) Committee on Finance	(S) Rereferred to Finance	01/15/09
SB 1041 - Hanger - Fuels taxes; annually adjusted.	(S) Committee on Finance	(S) Referred to Committee on Finance	01/13/09
SB 1137 - Petersen - Transportation; supplemental funding for Northern Virginia.	(S) Committee on Local Government	(S) Referred to Committee on Local Government	01/13/09
SB 1203 - Puckett - Virginia Public Procurement Act; prequalification for certain transportation contracts.	(S) Committee on General Laws and Technology	(S) Referred to Committee on General Laws and Technology	01/13/09
SB 1283 - Newman - Fuels	(S) Committee	(S) Referred to Committee on Finance	01/14/09

taxes; change in tax basis.	on Finance		
SB 1398 - Norment - Statewide Transportation Plan.	(S) Committee on Transportation	(S) Referred to Committee on Transportation	01/14/09
SB 1438 - Miller, Y.B. - Urban highway system construction funds.	(S) Committee on Transportation	(S) Referred to Committee on Transportation	01/16/09
SJ 323 - Martin - Constitutional amendment (first resolution); Transportation Funds.	(S) Committee on Privileges and Elections	(S) Referred to Committee on Privileges and Elections	01/13/09
SJ 361 - Norment - Constitutional amendment (first resolution); Transportation Funds.	(S) Committee on Privileges and Elections	(S) Referred to Committee on Privileges and Elections	01/14/09