

# Legislative Report- 1/26/2014

This week we passed the deadline for introduction of legislation except in special circumstances, and so we now have a pretty accurate picture of legislation that will be considered by the 2014 session of the Virginia General Assembly. Over 2300 bills were filed by senators and delegates, and I and our lobbying team have reviewed each one to determine if any have applicability to the VCCA.

Myles has done an excellent job below in summarizing current legislative issues of importance. I spent much of last week working with contractors, VDOT, and the patron of HB 509 in an effort to fix this proposed and well-intentioned legislation intended to create a way for a contractor to move his equipment from one side of a bridge to the other when working on the roadway on each side of that bridge, but not on the bridge. The bill, with my proposed amendments, is scheduled to be heard tomorrow (Monday) morning at 7 a.m before a sub-committee of the full House Transportation Committee. I will be there to discuss the needed amendments we have drafted. Hopefully in next week's report the bill, as amended, will be available for your review.

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## This Week in the General Assembly

Bills continued to move briskly through both Chambers, particularly the Senate, as we hit the halfway point to Crossover when each Chamber must complete work on their bills to send to the other Chamber. Some of the more controversial and dividing topics are seeing a good amount of floor posturing and debate – like Medicaid expansion and same sex marriage – while others are enjoying bi-partisan support – like the repeal of last year's hybrid car tax.

### **It's Always an Election Year in Virginia – Part 2**

The Senate ended the week with 20 Republicans and 19 Democrats after the swearing in of Jennifer Wexton (D-Loudoun County). Wexton, a former Assistant Commonwealth's Attorney, won now Attorney General Mark Herring's old Senate seat on Tuesday in what turned out to be a convincing 15 point victory in a three-way race.

The recount in the race to fill Lt Governor Ralph Northam's vacant Senate seat gets underway on Monday and we expect the victor to be seated in the Senate by the end of the week. Delegate Lynwood Lewis(D) currently holds a slim 9 vote lead over Republican Wayne Coleman. If Lewis manages to hold on, the Senate will again be tied at 20, with Lt Governor Northam giving the Senate Democrats the crucial 21st vote, and control of the chamber. If that happens, a widely

anticipated attempt by the Democratic caucus to re-organize and change the committee structure may cause a variety of reactions including a potential Senate shutdown. The situation in the Senate will likely remain unsettled and unpredictable in the interim.

### **Virginia Headlines Heard Around the Nation**

Attorney General Mark Herring's announcement on Thursday that he would not defend Virginia's constitutional amendment banning same-sex marriage garnered national attention and has some Republicans calling for his resignation.

Former Governor Bob McDonnell and wife Maureen were indicted Tuesday on federal corruption charges. The 14-count indictment includes charges of conspiracy, wire fraud and false statements in connection with their relationship to Jonnie R. Williams Sr., former CEO of nutritional supplements maker Star Scientific Inc. As a result of the indictment, we anticipate additional action by the General Assembly in the area of ethics reform but it is yet to be seen what will actually emerge at the end of the day.

## **Legislation of Interest**

Legislation of interest to VUHCC members that we are tracking includes the following:

### **Transportation Funding:**

In a bipartisan and unusually speedy manner, both the House and Senate pass bills that eliminate the \$64 hybrid fee instituted in last year's landmark transportation bill. The overall reduction to transportation revenues is expected to be no more than \$11M per year. Each Chamber will now send their version to the other for votes with any differences to be worked out in conference next month before going to the Governor who is expected to sign the legislation.

It appears that the elimination of the hybrid tax will be the only alteration to last year's transportation funding bill. All other bills that would have impacted any of the revenue streams from last year's bills have been killed in committee or subcommittee.

### **Procurement:**

As reported previously, most of the procurement bills we are tracking have been tabled with the understanding that they will be reviewed during the Spring and Summer by the Special Joint Subcommittee Studying the Public Procurement Act. Among the bill sent to the Subcommittee are: Delegate Randy Minchew's (R-Loudoun County) HB 421 which would have increased the term contract limits for architectural and engineering services from \$1 million to \$2.5 million per project for state agencies and from \$5 million \$10 million per term, and HB 549, from Delegate Eileen Filler-Corn (D-Fairfax County) would have allow for certain specified factors other than price to be considered in the award of transportation construction projects

Delegate Dave Albo's (R-Fairfax County) cooperative procurement (HB 289) will likely be heard in Subcommittee next week. Delegate Albo is expected to offer a substitute that would eliminate the use of cooperative procurement, but it is likely that Delegate Albo's bill will be tabled and will be the subject of future deliberations of the Procurement Subcommittee.

**Heavy Weight Vehicle Operation:**

SB 402 introduced by Senator Ryan McDougle (R-Hanover County) passed the Senate as amended and has already been assigned to the House Transportation Committee for action in the coming weeks. The bill as amended would allow local authorities to issue permits authorizing the operation over the highway of truck cranes that exceed the maximum weight specified in Article 18 of Chapter 10 of Title 46.2 relating to weight limits for truck cranes. The amendment also specifies that no application for a permit shall be denied because of the applicant's refusal to remove such counterweights or other manufactured equipment.

HB 415 from Delegate Ed Scott (R-Madison County), the companion to SB 402, passed the House with a similar amendment on Friday and is expected to move easily through the Senate towards the Governor's desk.

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## VUHCC: Complete Bill List

Composite view

Bills	Committee	Last action	Date
<b>HB 2</b> - Stolle - Commonwealth Transportation Board; allocations within highway construction districts.	(H) Committee on Transportation	(H) Assigned Transportation sub: Subcommittee #4	01/21/14
<b>HB 3</b> - Cline - Transportation funding; all provisions of 2013 Session omnibus bill to expire on July 1, 2014.	(H) Committee on Finance	(H) Subcommittee recommends laying on the table	01/17/14
<b>HB 27</b> - Cole - Vehicle weight limits; extensions apply also to interstates designated as state primary highways.	(H) Committee on Transportation	(H) Assigned Transportation sub: Subcommittee #2	01/10/14
<b>HB 32</b> - Morrissey - Minimum wage; increases wage from its current federally mandated level.	(H) Committee on Commerce and Labor	(H) Referred to Committee on Commerce and Labor	12/02/13
<b>HB 40</b> - Marshall, R.G. - Motor fuels tax rates; repeals provision that will increase tax, etc.	(H) Committee on Finance	(H) Subcommittee recommends laying on the table	01/17/14
<b>HB 41</b> - Marshall, R.G. - Northern Virginia Transportation Authority; selection of projects.	(H) Committee on Transportation	(H) Subcommittee recommends laying on the table	01/23/14
<b>HB 47</b> - Kory - Hybrid electric motor vehicles; repeals annual license tax, refunds.	(H) Committee on Finance	(H) Subcommittee recommends laying on the table	01/17/14
<b>HB 58</b> - Hodges - Stormwater management programs; clarifies appeals process for persons subject to permit requirement.	(H) Committee on Agriculture, Chesapeake and Natural Resources	(H) Subcommittee recommends incorporating (HB1173-Hodges)	01/23/14
<b>HB 67</b> - Ramadan - Commonwealth Transportation Board; increases total membership.	(H) Committee on Transportation	(H) Referred to Committee on Transportation	12/06/13
<b>HB 68</b> - Marshall, D.W. - Transportation funding; date change on certain scheduled increases in sales and use tax revenue.	(H) Committee on Finance	(H) Assigned Finance sub: Subcommittee #3	01/16/14
<b>HB 70</b> - Marshall, D.W. - Transportation Accountability, Joint Commission on; power and duties.	(H) Committee on Rules	(H) Referred to Committee on Rules	12/06/13
<b>HB 72</b> - Pogge - Hybrid electric motor vehicles; eliminates annual license tax.	(H) Committee on Finance	(H) Subcommittee recommends laying on the table	01/17/14
<b>HB 84</b> - Marshall, R.G. - Northern Virginia Transportation Authority; change in membership.	(H) Committee on Transportation	(H) Subcommittee recommends laying on the table	01/23/14
<b>HB 87</b> - Cole - Transportation; Commonwealth priority of projects and funding.	(H) Committee on Transportation	(H) Assigned Transportation sub: Subcommittee #4	01/10/14
<b>HB 123</b> - Scott - Petroleum transport vehicles; amber warning lights allowed when parked or delivering products.	(H) Committee on Transportation	(H) Assigned Transportation sub: Subcommittee #2	01/10/14
<b>HB 145</b> - Hugo - Commonwealth Transportation Board; removal of	(H) Committee on Transportation	(H) Referred to Committee on Transportation	12/20/13

members by Governor.			
<b>HB 146</b> - Hugo - Commonwealth Transportation Board; increases membership.	(H) Committee on Transportation	(H) Referred to Committee on Transportation	12/20/13
<b>HB 148</b> - Minchew - Motor vehicle sales and use tax; reduces sale price by value of any trade-in.	(H) Committee on Finance	(H) Assigned Finance sub: Subcommittee #1	01/17/14
<b>HB 169</b> - Webert - Commonwealth Transportation Board; increases membership, terms of members.	(H) Committee on Transportation	(H) Referred to Committee on Transportation	12/22/13
<b>HB 209</b> - Marshall, D.W. - Subdivision plats; localities may mandate submission of preliminary plats for tentative approval.	(H) Committee on Counties, Cities and Towns	(H) Assigned CC & T sub: #2	01/09/14
<b>HB 213</b> - Marshall, D.W. - Salem Highway Construction District; additional transportation funding, report.	(H) Committee on Appropriations	(H) Subcommittee recommends laying on the table	01/20/14
<b>HB 281</b> - Albo - Northern Virginia Transportation Authority; contracts.	(H) Committee on Transportation	(H) Referred to Committee on Transportation	12/31/13
<b>HB 289</b> - Albo - Virginia Public Procurement Act; cooperative procurement.	(H) Committee on General Laws	(H) Assigned GL sub: Subcommittee #2	01/10/14
<b>HB 290</b> - Albo - Virginia Public Procurement Act; competitive negotiation, job order contracting.	(H) Committee on General Laws	(H) Subcommittee recommends laying on the table	01/23/14
<b>HB 297</b> - Loupassi - Mechanics' liens; good faith performance by unlicensed contractors.	(H) Committee for Courts of Justice	(H) Subcommittee recommends passing by indefinitely	01/13/14
<b>HB 345</b> - Taylor - Motor fuels tax; alternative fuels.	(H) Committee on Finance	(H) Subcommittee recommends laying on the table	01/24/14
<b>HB 346</b> - James - Public-Private Transportation Act of 1995; additional requirements for certain agreements.	(H) Committee on Transportation	(H) Referred to Committee on Transportation	01/21/14
<b>HB 349</b> - James - Public-Private Transportation Act of 1995, etc.; comprehensive agreements.	(H) Committee on Transportation	(H) Referred to Committee on Transportation	01/21/14
<b>HB 351</b> - James - Downtown Tunnel Construction Relief Grant Fund.	(H) Committee on Appropriations	(H) Subcommittee recommends laying on the table (7-Y 0-N)	01/20/14
<b>HB 379</b> - Surovell - Commonwealth Transportation Board; changes composition of membership.	(H) Committee on Transportation	(H) Referred to Committee on Transportation	01/03/14
<b>HB 415</b> - Scott - Hydraulic truck cranes; gross weight limits.	(H) Committee on Transportation	(H) Engrossed by House - committee substitute HB415H1	01/23/14
<b>HB 421</b> - Minchew - Virginia Public Procurement Act; competitive negotiation, term contracts for certain services.	(H) Committee on General Laws	(H) Subcommittee recommends laying on the table	01/23/14
<b>HB 509</b> - Scott - Specialized construction equipment; Commissioner of Highways to issue permits for operation.	(H) Committee on Transportation	(H) Assigned Transportation sub: Subcommittee #2	01/17/14
<b>HB 528</b> - Hodges - Drainage ditch	(H) Committee on	(H) Stricken at request of	01/21/14

maintenance, etc.; use of revenue-sharing highway funds.	Transportation	Patron in Transportation	
<b>HB 549</b> - Filler-Corn - Virginia Public Procurement Act; transportation construction services.	(H) Committee on General Laws	(H) Subcommittee recommends laying on the table	01/23/14
<b>HB 555</b> - Kory - Highway drains and culverts; localities to prohibit interfering with or impeding storm water runoff.	(H) Committee on Transportation	(H) Assigned Transportation sub: Subcommittee #1	01/10/14
<b>HB 560</b> - Fariss - Department of Transportation; conveyance of certain right-of-way usage.	(H) Committee on Transportation	(H) Assigned Transportation sub: Subcommittee #1	01/23/14
<b>HB 626</b> - Watts - Highways systems; allocation of funds.	(H) Committee on Appropriations	(H) Assigned App. sub: Transportation	01/10/14
<b>HB 635</b> - LaRock - Northern Virginia Transportation Authority; use of revenues.	(H) Committee on Transportation	(H) Subcommittee recommends laying on the table	01/23/14
<b>HB 653</b> - LaRock - Northern Virginia Transportation Authority; allocations.	(H) Committee on Transportation	(H) Subcommittee recommends laying on the table	01/23/14
<b>HB 658</b> - LaRock - Northern Virginia highway construction district; CTB allocations.	(H) Committee on Transportation	(H) Referred to Committee on Transportation	01/07/14
<b>HB 662</b> - Brink - Commercial driver's licenses, etc.; compliance with federal requirements.	(H) Committee on Transportation	(H) Reported from Transportation (19-Y 3-N)	01/23/14
<b>HB 769</b> - Hugo - Virginia Public Procurement Act; project labor agreements by certain state agencies.	(H) Committee on General Laws	(H) Subcommittee recommends laying on the table	01/23/14
<b>HB 787</b> - LeMunyon - Virginia Freedom of Information Act; application to the State Corporation Commission, exemptions.	(H) Committee on Commerce and Labor	(H) Referred to Committee on Commerce and Labor	01/07/14
<b>HB 793</b> - LeMunyon - Transportation planning; VDOT to recommend specific improvements for Plsnning District 8.	(H) Committee on Transportation	(H) Assigned Transportation sub: Subcommittee #4	01/10/14
<b>HB 824</b> - Minchew - Northern Virginia Transportation Authority; bonding authority not effective until July 1, 2018.	(H) Committee on Transportation	(H) Subcommittee recommends laying on the table	01/23/14
<b>HB 870</b> - Yancey - New infrastructure; tax credit for certain investment.	(H) Committee on Finance	(H) Subcommittee recommends continuing to 2015	01/24/14
<b>HB 884</b> - Yancey - Virginia Infrastructure Grant Fund; established.	(H) Committee on Counties, Cities and Towns	(H) Assigned CC & T sub: Subcommittee #2	01/15/14
<b>HB 937</b> - Surovell - Virginia Freedom of Information Act; application to the State Corporation Commission, exemptions.	(H) Committee on Commerce and Labor	(H) Referred to Committee on Commerce and Labor	01/08/14
<b>HB 946</b> - Hugo - Workers' compensation; fee schedule for medical care services, prompt payment of bills.	(H) Committee on Commerce and Labor	(H) Assigned C & L sub: Special Workers Comp	01/15/14
<b>HB 948</b> - Filler-Corn - VA Public Procurement Act; competitive negotiation, limitation of certain term contracts, exception.	(H) Committee on General Laws	(H) Assigned GL sub: Subcommittee #2	01/10/14



<b>HB 1036</b> - Joannou - State Corporation Commission; availability of records.	(H) Committee on Commerce and Labor	(H) Read first time	01/23/14
<b>HB 1048</b> - Rust - Highway systems; funding.	(H) Committee on Transportation	(H) Subcommittee recommends reporting with amendment(s) (6-Y 0-N)	01/23/14
<b>HB 1058</b> - Kilgore - Workers' compensation; payments for medical services, liability of employer.	(H) Committee on Commerce and Labor	(H) Assigned C & L sub: Special Workers Comp	01/15/14
<b>HB 1095</b> - Peace - Innovation and Technology Transportation Fund; created.	(H) Committee on Appropriations	(H) Assigned App. sub: Transportation	01/14/14
<b>HB 1098</b> - Anderson - Smart transportation pilot zone; Northern Virginia or Hampton Roads district.	(H) Committee on Transportation	(H) Referred to Committee on Transportation	01/10/14
<b>HB 1100</b> - Yancey - CTB Six-Year Improvement Program; requirements.	(H) Committee on Transportation	(H) Referred to Committee on Transportation	01/10/14
<b>HB 1136</b> - Joannou - Public-Private Transportation Act of 1995; General Assembly approval of schedule of tolls and fees.	(H) Committee on Transportation	(H) Subcommittee recommends laying on the table	01/23/14
<b>HB 1183</b> - Comstock - Virginia Transportation Solutions Working Group; name change.	(H) Committee on Transportation	(H) Referred to Committee on Transportation	01/16/14
<b>HB 1194</b> - James - Small Business and Supplier Diversity, Department of; establishment of state purchasing program.	(H) Committee on General Laws	(H) Referred to Committee on General Laws	01/16/14
<b>HB 1208</b> - Albo - Virginia Public Procurement Act; consideration of early payment discounts.	(H) Committee on General Laws	(H) Referred to Committee on General Laws	01/17/14
<b>HB 1223</b> - Yancey - Virginia Public Procurement Act; small, women, and minority-owned businesses.	(H) Committee on General Laws	(H) Referred to Committee on General Laws	01/17/14
<b>HB 1238</b> - Gilbert - Virginia Public Procurement Act; disclosure of cost estimates in solicitations prohibited.	(H) Committee on General Laws	(H) Referred to Committee on General Laws	01/17/14
<b>HB 1253</b> - Jones - Hampton Roads Transportation Accountability Commission; created.	(H) Committee on Transportation	(H) Referred to Committee on Transportation	01/17/14
<b>HB 1254</b> - Marshall, R.G. - Northern Virginia Transportation Authority; use of revenues.	(H) Committee on Appropriations	(H) Assigned App. sub: Transportation	01/23/14
<b>HJ 42</b> - Villanueva - Study; Legislative Audit and Review Commission to study equity of transportation funding; report.	(H) Committee on Rules	(H) Referred to Committee on Rules	12/31/13
<b>HJ 122</b> - LeMunyon - Statewide transportation technology goals and plan of action.	(H) Committee on Transportation	(H) Assigned Transportation sub:	01/17/14
<b>SB 26</b> - Alexander - Public comment and transparency; presentation of proposals to Committees of the General Assembly.	(S) Committee on Transportation	(S) Stricken at request of Patron in Transportation (14-Y 0-N)	01/22/14
<b>SB 127</b> - Newman - Hybrid electric motor vehicles; repeals annual license tax.	(H) Committee on Finance	(H) Referred to Committee on Finance	01/23/14

	(S) Committee on Finance		
<b>SB 159</b> - Miller - Hybrid electric motor vehicles and alternative fuel vehicles; repeals annual license tax.	(S) Committee on Finance	(S) Incorporated by Finance (SB127-Newman) (15-Y 0-N)	01/15/14
<b>SB 165</b> - Locke - Public-Private Transportation Act of 1995; additional requirements for certain agreements.	(S) Committee on Transportation	(S) Stricken at request of Patron in Transportation (10-Y 0-N)	01/22/14
<b>SB 174</b> - Black - Virginia Public Procurement Act; competitive negotiation, term contracts for certain services.	(S) Committee on General Laws and Technology	(S) Passed by indefinitely in General Laws and Technology with letter (10-Y 0-N)	01/13/14
<b>SB 221</b> - Petersen - Hybrid electric motor vehicles; eliminates annual license tax.	(S) Committee on Finance	(S) Incorporated by Finance (SB127-Newman) (15-Y 0-N)	01/15/14
<b>SB 292</b> - Lucas - Downtown Tunnel Construction Relief Grant Fund.	(S) Committee on Finance	(S) Referred to Committee on Finance	01/06/14
<b>SB 402</b> - McDougle - Truck cranes; permits authorizing operation over highways for those that exceed maximum weight.	(H) Committee on Transportation	(H) Referred to Committee on Transportation	01/24/14
	(S) Committee on Transportation		
<b>SB 461</b> - Vogel - VA Public Procurement Act; competitive negotiation, limitation of certain term contracts, exception.	(S) Committee on General Laws and Technology	(S) Printed as engrossed 14103440D-E	01/23/14
<b>SB 505</b> - Wagner - Natural gas; incentives for expanded use as transportation fuel, report.	(S) Committee on Finance	(S) Rereferred to Finance	01/22/14
<b>SB 506</b> - Wagner - Hybrid electric motor vehicles; eliminates annual license tax.	(S) Committee on Finance	(S) Incorporated by Finance (SB127-Newman) (15-Y 0-N)	01/15/14
<b>SB 511</b> - Wagner - Commonwealth Transportation Board; composition.	(S) Committee on Transportation	(S) Passed by indefinitely in Transportation (7-Y 5-N 1-A)	01/15/14
<b>SB 513</b> - Wagner - Hampton Roads Transportation Authority; created.	(S) Committee on Transportation	(S) Committee substitute printed 14104165D-S1	01/22/14
<b>SB 518</b> - Wagner - Highway systems; funding.	(H) Committee on Transportation	(H) Referred to Committee on Transportation	01/24/14
	(S) Committee on Transportation		
<b>SB 565</b> - Cosgrove - Commercial driver's licenses, etc.; compliance with federal requirements.	(S) Committee on Transportation	(S) Reported from Transportation (14-Y 0-N)	01/22/14
<b>SB 632</b> - Lucas - Small Business and Supplier Diversity, Department of; establishment of state purchasing program.	(S) Committee on General Laws and Technology	(S) Referred to Committee on General Laws and Technology	01/17/14
<b>SB 645</b> - McEachin - Virginia Public Procurement Act; transportation construction services.	(S) Committee on General Laws and Technology	(S) Referred to Committee on General Laws and Technology	01/17/14
<b>SB 664</b> - Petersen - Agreements as to compensation; Commissioner of Highways' decisions to be reasonable, not arbitrary.	(S) Committee on Transportation	(S) Continued to 2015 in Transportation (15-Y 0-N)	01/22/14
	(S) Committee on		



<b>SJ 65</b> - Obenshain - Constitutional amendment; Transportation Funds.	Privileges and Elections	(S) Continued to 2015 in Privileges and Elections (14-Y 0-N)	01/14/14
<b>SJ 72</b> - Wagner - Study; Joint Legislative Audit and Review Commission to study equity of transportation funding.	(S) Committee on Rules	(S) Continued to 2015 in Rules	01/17/14