

Legislative Report- 2/16/2014

This week at the General Assembly was the last full week before “crossover” meaning that after Tuesday, February 11th, both the senate and house will only be able to consider legislation originated by the other body.

As usual, the budget is the major piece of work to be completed at this session of the General Assembly. In past years, transportation has been the most pressing and hotly-debated topic. With the passage of a comprehensive transportation package last year, this year’s major budget debates are focused on transportation spending priorities (the transportation plan last year has not raised nearly as much money as anticipated because last year’s numbers were built on the presumption that the price of gas would continue to rise), whether to allow for the expansion of Medicaid, and how to balance the budget.

Please take a few moments and review Myles’ legislative report below, as well as the attached matrix. In addition to his comments I also wanted to note our support this week for an effort which failed in the House Commerce and Labor Committee. HB 946 would have changed the way medical fees are established under Virginia’ Workman’s compensation system from a fee structure based on what a doctor or hospital wants to charge to the Medicare established rate for the same procedure. In the end, this became a battle between docs and hospitals on the one side, and a long list of Virginia organizations representing Virginia employers - including RAMCA, on the other; In the end the lobbying force of the medical profession was too much to overcome, and the patron, sensing his bill was about to be killed, asked that it be carried over to the 2015 session.

Feel free to contact me should you have any questions regarding any matter currently before the 2014 session of the Virginia General Assembly.

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This Week in the General Assembly

The House and Senate continue to push to get all bills through their respective committees and to the floor prior to this coming Tuesday’s crossover deadline. With the exception of the budget bills, all legislation not passed out of it house of origin by Tuesday will be dead for the year. After the crossover deadline, the amount of contentious pieces of legislation is drastically reduced. The legislators focus will now shift to the budget, and it is the debate over the budget (and the lack of agreement between the House and the Senate) that will be responsible for the General Assembly being unable to meet its scheduled March 8th adjournment date.

The budget issue that will likely create the most significant stumbling block to compromise is how the General Assembly will choose to handle the Medicaid expansion issue. The Senate Finance Committee, led by Republican John Watkins (R-Powhatan County) unveiled a plan to address the Medicaid issue which includes establishing a “taxpayer recovery fund” that would recapture at least \$1.7 billion a year of the money that Virginians and Virginia businesses will pay to finance the Affordable Care Act. The Senate will include their Medicaid plan in the Senate budget. As expected, the plan met with criticism from House leadership, who have publically stated that the Medicaid issue would not be addressed during the General Assembly session, nor would expansion be considered in the near future. It appears that the House, Senate, and Governor McAuliffe are on a collision course for protracted and bitter budget standoff.

Legislation of Interest

Some legislation of interest to VUHCC members that remains active includes the following:

The House Republican Caucus Transportation Package

While transportation related legislation has been relatively modest this General Assembly session, the House Republican Caucus’ transportation package has moved through the chamber and will be considered by the Senate in the coming weeks. This package includes HB 2 patroned by Delegate Chris Stolle (R-Virginia Beach), which is the centerpiece of the package. HB 2 provides that funding allocations for the Northern Virginia Highway Construction District and the Hampton Roads Highway Construction District be made by giving priority to the projects expected to provide the greatest congestion reduction relative to the cost of the project. Funding allocations for the seven other highway construction districts would be made by giving priority to either the projects expected to provide the greatest congestion reduction relative to the cost of the project or the projects that promote economic development.

The other portions of the House Republican Caucus’ package include bills which utilize smart technology. HB 1090 sponsored by Delegate Ron Villanueva (R-Virginia Beach) requires the Secretary of Transportation and VDOT to incorporate new smart road technologies and innovations in statewide transportation technology programs. HB 1095 sponsored by Delegate Chris Peace (R-Hanover County) creates the Innovation and Technology Transportation Fund to fund pilot programs and fully developed initiatives pertaining to high-tech infrastructure improvements. The bill also requires the CTB to allocate certain moneys to the Fund. Finally, Delegate Rich Anderson (R-Prince William County) is the sponsor of HB 1098, which requires the Secretary of Transportation and VDOT to establish a smart transportation pilot zone to test state-of-the-art smart road technology.

Delegate Barbara Comstock (R-Fairfax County) sponsored HB 1183, which renames the Joint Commission on Transportation to the Virginia Transportation Solutions Working Group, and authorizes the newly named entity to advise the CTB on matters pertaining to transportation policy, innovation, technologies, and traffic congestion relief strategies. Interestingly, this bill encountered opposition both in Committee (it passed 14-7) and on the floor (66-29). Those opposed to the measure felt that there was no need to rename or repackage the Joint Commission on Transportation.

Commonwealth Transportation Board (CTB)

It appears that all bills related restructuring the CTB (either increasing membership or changing the conditions necessary for the Governor to remove members from the Board) have failed in both the House and Senate. It is unlikely that any major changes in the structure of the CTB will occur this session.

Procurement

As expected, all procurement related legislation has been referred to the Joint Subcommittee Studying procurement, including Delegate Dave Albo's (R-Fairfax County) HB 289 which pertains to cooperative procurement. Procurement related issues will be addressed during the Subcommittee's deliberations this coming Spring and Summer in preparation for a number of procurement related measures that will be offered in the 2015 General Assembly session.

Heavy Weight Vehicle Operation

Now assigned to the other Chamber's Transportation committee and ready for post crossover activity in the coming weeks we expect final passage is eminent for both SB 402, introduced by Senator Ryan McDougle (R-Hanover County) and HB 415 from Delegate Ed Scott (R-Madison County). These bills 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.

Minimum Wage Legislation

Several pieces of legislation focused on raising the minimum wage have been offered in the House and Senate. HB 32, sponsored by Delegate Joe Morrissey (D-Henrico County), HB 536, sponsored by Delegate Ken Plum (D-Fairfax County), and SB 590 sponsored by Senator David Marsden (D-Fairfax County) all would have increased the minimum wage from its current \$7.25 level to \$8.50 by July, 1 2014 and \$9.25 by July 1, 2015. The measures sponsored by Delegates Plum and Morrissey were killed by the House Commerce and Labor Committee. Senator Marsden's bill will be considered by the Senate Commerce and Labor Committee on Monday.

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Complete Bill List

Composite view			
Bills	Committee	Last action	Date
HB 2 - Stolle - Commonwealth Transportation Board; allocations within highway construction districts.	(H) Committee on Transportation	(H) Engrossed by House - committee substitute HB2H1	02/06/14
HB 3 - 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
HB 27 - Cole - Vehicle weight limits; extensions apply also to interstates designated as state primary highways.	(H) Committee on Transportation	(H) Subcommittee recommends laying on the table	01/27/14
HB 32 - Morrissey - Minimum wage; increases wage from its current federally mandated level.	(H) Committee on Commerce and Labor	(H) Tabled in Commerce and Labor	02/04/14
HB 40 - 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
HB 41 - Marshall, R.G. - Northern Virginia Transportation Authority; selection of projects.	(H) Committee on Transportation	(H) Subcommittee recommends laying on the table	01/23/14
HB 47 - Kory - Hybrid electric motor vehicles; repeals annual license tax, refunds.	(H) Committee on Finance	(H) Subcommittee recommends laying on the table	01/17/14
HB 58 - Hodges - Stormwater management programs; clarifies appeals process for persons subject to permit requirement.	(H) Committee on Agriculture, Chesapeake and Natural Resources	(H) Incorporated by Agriculture, Chesapeake and Natural Resources (HB1173-Hodges)	01/29/14
HB 67 - Ramadan - Commonwealth Transportation Board; increases total membership.	(H) Committee on Transportation	(H) Referred to Committee on Transportation	12/06/13
HB 68 - Marshall, D.W. - Transportation funding; date change on certain scheduled increases in sales and use tax revenue.	(H) Committee on Finance	(H) Subcommittee recommends laying on the table	01/31/14
HB 70 - Marshall, D.W. - Transportation Accountability, Joint Commission on; power and duties.	(H) Committee on Rules	(H) Tabled in Rules	01/31/14
HB 72 - Pogge - Hybrid electric motor vehicles; eliminates annual license tax.	(H) Committee on Finance	(H) Subcommittee recommends laying on the table	01/17/14
HB 84 - Marshall, R.G. - Northern Virginia Transportation Authority; change in membership.	(H) Committee on Transportation	(H) Subcommittee recommends laying on the table	01/23/14
HB 87 - Cole - Transportation; Commonwealth priority of projects and funding.	(H) Committee on Transportation	(H) Subcommittee recommends laying on the table	01/30/14
HB 123 - Scott - Petroleum transport vehicles; amber warning lights allowed when parked or delivering products.	(H) Committee on Transportation (S) Committee on Transportation	(S) Referred to Committee on Transportation	02/03/14

HB 145 - Hugo - Commonwealth Transportation Board; removal of members by Governor.	(H) Committee on Transportation	(H) Referred to Committee on Transportation	12/20/13
HB 146 - Hugo - Commonwealth Transportation Board; increases membership.	(H) Committee on Transportation	(H) Referred to Committee on Transportation	12/20/13
HB 148 - Minchew - Motor vehicle sales and use tax; reduces sale price by value of any trade-in.	(H) Committee on Finance	(H) Continued to 2015 in Finance	02/03/14
HB 169 - Webert - Commonwealth Transportation Board; increases membership, terms of members.	(H) Committee on Transportation	(H) Referred to Committee on Transportation	12/22/13
HB 209 - Marshall, D.W. - Subdivision plats; localities may mandate submission of preliminary plats for tentative approval.	(H) Committee on Counties, Cities and Towns (S) Committee on Local Government	(S) Referred to Committee on Local Government	02/06/14
HB 213 - 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
HB 281 - Albo - Northern Virginia Transportation Authority; contracts.	(H) Committee on Transportation	(H) Subcommittee recommends laying on the table	01/30/14
HB 289 - Albo - Virginia Public Procurement Act; cooperative procurement.	(H) Committee on General Laws	(H) Continued to 2015 in General Laws	02/04/14
HB 290 - 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
HB 297 - Loupassi - Mechanics' liens; good faith performance by unlicensed contractors.	(H) Committee for Courts of Justice	(H) Subcommittee recommends passing by indefinitely	01/13/14
HB 345 - Taylor - Motor fuels tax; alternative fuels.	(H) Committee on Finance	(H) Subcommittee recommends laying on the table	01/24/14
HB 346 - James - Public-Private Transportation Act of 1995; additional requirements for certain agreements.	(H) Committee on Transportation	(H) Subcommittee recommends striking from docket	01/30/14
HB 349 - James - Public-Private Transportation Act of 1995, etc.; comprehensive agreements.	(H) Committee on Transportation	(H) Subcommittee recommends striking from docket	01/30/14
HB 351 - James - Downtown Tunnel Construction Relief Grant Fund; established.	(H) Committee on Appropriations	(H) Subcommittee recommends laying on the table (7-Y 0-N)	01/20/14
HB 379 - Surovell - Commonwealth Transportation Board; changes composition of membership.	(H) Committee on Transportation	(H) Referred to Committee on Transportation	01/03/14
HB 415 - Scott - Truck cranes; permits authorizing operation over highways for those that exceed maximum weight.	(H) Committee on Transportation (S) Committee on Transportation	(S) Referred to Committee on Transportation	01/27/14
HB 421 - Minchew - Virginia Public Procurement Act; competitive negotiation,	(H) Committee on General Laws	(H) Subcommittee recommends laying on the	01/23/14

term contracts for certain services.		table	
HB 509 - Scott - Specialized construction equipment; Commissioner of Highways may issue permits for operation.	(H) Committee on Transportation (S) Committee on Transportation	(S) Referred to Committee on Transportation	02/03/14
HB 528 - Hodges - Drainage ditch maintenance, etc.; use of revenue-sharing highway funds.	(H) Committee on Transportation	(H) Stricken at request of Patron in Transportation	01/21/14
HB 549 - Filler-Corn - Virginia Public Procurement Act; transportation construction services.	(H) Committee on General Laws	(H) Subcommittee recommends laying on the table	01/23/14
HB 555 - Kory - Highway drains and culverts; localities to prohibit interfering with or impeding storm water runoff.	(H) Committee on Transportation	(H) Reported from Transportation with amendments (14-Y 7-N)	02/06/14
HB 560 - Fariss - Land use permits; issued by VDOT to a company providing utility service solely for agricultural use.	(H) Committee on Transportation (S) Committee on Transportation	(S) Referred to Committee on Transportation	02/05/14
HB 626 - Watts - Highway systems; allocation of funds.	(H) Committee on Appropriations	(H) Subcommittee recommends laying on the table	02/03/14
HB 635 - LaRock - Northern Virginia Transportation Authority; use of revenues.	(H) Committee on Transportation	(H) Subcommittee recommends laying on the table	01/23/14
HB 653 - LaRock - Northern Virginia Transportation Authority; allocations.	(H) Committee on Transportation	(H) Subcommittee recommends laying on the table	01/23/14
HB 658 - LaRock - Northern Virginia highway construction district; CTB allocations.	(H) Committee on Transportation	(H) Subcommittee recommends laying on the table	01/30/14
HB 662 - Brink - Commercial driver's licenses, etc.; compliance with federal requirements.	(H) Committee on Transportation (S) Committee on Transportation	(S) Referred to Committee on Transportation	01/29/14
HB 769 - 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
HB 787 - LeMunyon - Virginia Freedom of Information Act; application to the State Corporation Commission, exemptions.	(H) Committee on Commerce and Labor	(H) Tabled in Commerce and Labor	02/06/14
HB 793 - LeMunyon - Transportation planning; VDOT to recommend specific improvements for Planning District 8.	(H) Committee on Transportation	(H) Printed as engrossed 14103270D-E	02/06/14
HB 824 - 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
HB 870 - Yancey - New infrastructure; tax credit for certain investment.	(H) Committee on Finance	(H) Continued to 2015 in Finance	01/27/14
HB 884 - Yancey - Virginia Infrastructure Grant Fund; established.	(H) Committee on Counties, Cities and Towns	(H) Assigned CC & T sub: Subcommittee #2	01/15/14
HB 937 - Surovell - Virginia Freedom of Information Act; application to the State	(H) Committee on Commerce and Labor	(H) Tabled in Commerce and Labor	02/06/14

Corporation Commission, exemptions.			
HB 946 - Hugo - Workers' compensation; fee schedule for medical care services, prompt payment of bills.	(H) Committee on Commerce and Labor	(H) Continued to 2015 in Commerce and Labor	02/06/14
HB 948 - Filler-Corn - VA Public Procurement Act; competitive negotiation, limitation of certain term contracts, exception.	(H) Committee on General Laws	(H) Read first time	02/06/14
HB 1036 - Joannou - State Corporation Commission; availability of records.	(H) Committee on Commerce and Labor (S) Committee on Commerce and Labor	(S) Referred to Committee on Commerce and Labor	01/28/14
HB 1048 - Rust - Highway systems; funding.	(H) Committee on Transportation (S) Committee on Transportation	(S) Referred to Committee on Transportation	02/03/14
HB 1058 - Kilgore - Workers' compensation; payments for medical services, liability of employer.	(H) Committee on Commerce and Labor	(H) Subcommittee recommends laying on the table	02/04/14
HB 1095 - Peace - Innovation and Technology Transportation Fund; created, report.	(H) Committee on Appropriations (S) Committee on Finance	(S) Referred to Committee on Finance	02/05/14
HB 1098 - Anderson - Smart transportation pilot zone; Northern Virginia or Hampton Roads district.	(H) Committee on Transportation	(H) Engrossed by House - committee substitute HB1098H1	02/06/14
HB 1100 - Yancey - CTB Six-Year Improvement Program; requirements.	(H) Committee on Transportation	(H) Referred to Committee on Transportation	01/10/14
HB 1136 - 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
HB 1183 - Comstock - Virginia Transportation Solutions Working Group; name change.	(H) Committee on Transportation (S) Committee on Transportation	(S) Referred to Committee on Transportation	02/03/14
HB 1194 - James - Small Business and Supplier Diversity, Department of; establishment of state purchasing program.	(H) Committee on General Laws	(H) Subcommittee recommends laying on the table	01/30/14
HB 1208 - Albo - Virginia Public Procurement Act; consideration of early payment discounts.	(H) Committee on General Laws	(H) Continued to 2015 in General Laws	02/04/14
HB 1223 - Yancey - Virginia Public Procurement Act; small, women, and minority-owned businesses.	(H) Committee on General Laws	(H) Continued to 2015 in General Laws	02/04/14
HB 1238 - Gilbert - Virginia Public Procurement Act; disclosure of cost estimates in solicitations prohibited.	(H) Committee on General Laws	(H) Continued to 2015 in General Laws	02/04/14
HB 1253 - Jones - Hampton Roads Transportation Accountability Commission; created.	(H) Committee on Transportation	(H) Printed as engrossed 14103556D-E	02/06/14

HB 1254 - Marshall, R.G. - Northern Virginia Transportation Authority; use of revenues.	(H) Committee on Appropriations	(H) Subcommittee recommends laying on the table	02/03/14
HJ 42 - Villanueva - Transportation; Joint Legislative Audit and Review Commission to study equity of funding.	(H) Committee on Rules	(H) Continued to 2015 in Rules	01/31/14
HJ 122 - LeMunyon - Statewide transportation technology goals and plan of action; VDOT, et al., to create, report.	(H) Committee on Transportation (S) Committee on Rules	(S) Referred to Committee on Rules	02/04/14
SB 26 - 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
SB 127 - Newman - Hybrid electric motor vehicles; repeals annual license tax.	(H) Committee on Finance (S) Committee on Finance	(H) Referred to Committee on Finance	01/23/14
SB 159 - 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
SB 165 - 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
SB 174 - 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
SB 221 - 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
SB 292 - Lucas - Downtown Tunnel Construction Relief Grant Fund; established.	(S) Committee on Finance	(S) Passed by indefinitely in Finance (12-Y 2-N)	01/28/14
SB 402 - McDougale - Truck cranes; permits authorizing operation over highways for those that exceed maximum weight.	(H) Committee on Transportation (S) Committee on Transportation	(H) Referred to Committee on Transportation	01/24/14
SB 461 - Vogel - VA Public Procurement Act; competitive negotiation, limitation of certain term contracts, exception.	(H) Committee on General Laws (S) Committee on General Laws and Technology	(H) Referred to Committee on General Laws	01/31/14
SB 505 - Wagner - Natural gas; incentives for expanded use as transportation fuel, report.	(S) Committee on Finance	(S) Continued to 2015 in Finance (17-Y 0-N)	02/04/14
SB 506 - 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
SB 511 - Wagner - Commonwealth Transportation Board; composition.	(S) Committee on Transportation	(S) Passed by indefinitely in Transportation (7-Y 5-N 1-A)	01/15/14
SB 513 - Wagner - Hampton Roads Transportation Authority; created.	(H) Committee on Transportation (S) Committee on Transportation	(H) Referred to Committee on Transportation	02/07/14
SB 518 - Wagner - Highway systems;	(H) Committee on Transportation	(H) Referred to Committee on	01/24/14

funding.	(S) Committee on Transportation	Transportation	
SB 565 - <i>Cosgrove</i> - Commercial driver's licenses, etc.; compliance with federal requirements.	(H) Committee on Transportation (S) Committee on Transportation	(H) Referred to Committee on Transportation	02/07/14
SB 632 - <i>Lucas</i> - Small Business and Supplier Diversity, Department of; establishment of state purchasing program.	(S) Committee on General Laws and Technology	(S) Passed by indefinitely in General Laws and Technology with letter (13-Y 0-N)	01/27/14
SB 645 - <i>McEachin</i> - Virginia Public Procurement Act; transportation construction services.	(S) Committee on General Laws and Technology	(S) Passed by indefinitely in General Laws and Technology with letter (13-Y 0-N)	01/27/14
SB 664 - <i>Petersen</i> - 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
SJ 65 - <i>Obenshain</i> - Constitutional amendment; Transportation Funds.	(S) Committee on Privileges and Elections	(S) Continued to 2015 in Privileges and Elections (14-Y 0-N)	01/14/14
SJ 72 - <i>Wagner</i> - Transportation; Joint Legislative Audit and Review Commission to study equity of funding.	(S) Committee on Rules	(S) Continued to 2015 in Rules	01/17/14