

Virginia Transportation Construction Alliance
2010 Legislative Summary
March 17, 2010

HB 25 Greenhouse gas emissions; Statewide Transportation Plan to include quantifiable measures and goals. *Patron:* Herring. 02/16/10 House: Left in Transportation

HB 37 Overload and overweight permits; fees established by Commissioner. (OPPOSE) Revises the fees for vehicle overload and overweight permits to conform to recommendations of the Virginia Transportation Research Council. *Patron:* Marshall, R.G. 01/26/10 House: Passed by in Transportation with letter

HB 42 Transportation programs; JLARC to administer a performance audit, report. Requires JLARC to administer a performance audit of the Commonwealth's transportation programs. JLARC shall issue an RFP to initiate the procurement process for a management consulting firm to conduct the audit. A final report on the findings of the performance audit shall be submitted to the Joint Commission on Transportation Accountability and the Governor no later than December 31, 2010. This bill is identical to SB 201 (Blevins). *Patrons:* Oder, Cole, Marshall, D.W. and Villanueva. 02/16/10 House: VOTE: BLOCK VOTE PASSAGE (99-Y 0-N) 03/02/10 Senate: Passed Senate (40-Y 0-N)

HB 115 Underground Utility Damage Prevention Act; sewer laterals. Establishes a set of requirements for the protection of sewer system laterals and private sewer laterals that are unique from the general requirements of the Underground Utility Damage Prevention Act. The measure also establishes procedures to address recurring noncompliance with the provisions of the Act by localities and other political subdivisions of the Commonwealth. *Patron:* Purkey. 01/26/10 House: Tabled in Commerce and Labor

HB 127 Overweight permits; makes carriers of coal, etc., responsible for obtaining. Makes "carriers" (rather than "owners or operators") responsible for obtaining the permits and complying with other requirements. A definition of "carrier" is provided. Overweight penalties are changed to civil penalties, and the amount of time allowed for load shifting is limited to one hour. *Patron:* Kilgore. 01/28/10 House: Passed by in Transportation with letter

HB 133 Personal property tax relief; removes weight limitation. Removes the 7,500 pound weight limitation, so that all trucks used for nonbusiness purposes, except tractor trucks, are eligible to be considered for personal property tax relief. *Patron:* Pollard. 03/08/10 Senate: Left in Finance

HB 155 Stormwater management programs; delays for two years DCR's regulations governing. (SUPPORT) Delays for two years the Department of Conservation and Recreation's regulations governing the stormwater management program that were to be implemented on July 1, 2010. *Patrons:* Dance, Hugo and Bulova. 02/10/10 House: Incorporated by Agriculture, Chesapeake and Natural Resources (HB1220-Hugo)

HB 178 Seasonal or temporary workers; disqualifies employee from unemployment compensation benefits. Disqualifies an unemployed individual for unemployment compensation benefits if he was provided with written notice, and signed an acknowledgment of receipt of such notice, by his employer stating that his employment is temporary or seasonal and will be terminated by a date certain or upon the completion of seasonal work specified in the written notice. *Patron:* Morrissey. 02/16/10 House: Left in Commerce and Labor

HB 197 Secondary highway system; requirements for taking new streets into system. Provides that any street or segment of a street within a network addition that meets one or more of the public service requirements addressed in the regulations can be accepted into the secondary system, provided that the network addition satisfies all other requirements adopted pursuant to this section. In cases where a majority of the lots along the street or street segment remain undeveloped and construction traffic is expected to utilize that street or street segment after acceptance, the bonding requirement for such street or street segment may be required by VDOT to be extended for up to one year beyond that required in the secondary street acceptance requirements. *Patron:* Ware, R.L. 02/10/10 House: VOTE: BLOCK VOTE PASSAGE (98-Y 0-N) 03/09/10 Senate: Passed Senate (36-Y 4-N)

HB 221 Handheld personal communication device; person guilty of careless driving unless in hands-free mode. Provides that a person is guilty of careless driving, a Class 3 misdemeanor, if he commits a moving violation under Title 46.2 while using a handheld personal communications device, unless he is using such communications device in hands-free mode. *Patrons:* Watts, Plum, Scott, J.M. and Sickles; Senators: Howell and Ticer. 02/16/10 House: Left in Militia, Police and Public Safety

HB 222 Secondary highway system; VDOT & DRPT to review new design standards components therefor. Provides that for urban and urban development areas in jurisdictions using the urban county executive form of government, the Virginia Department of Transportation shall work in conjunction with the jurisdiction and the Department of Rail and Public Transportation to review new design standards for state secondary highway system components that the jurisdiction proposes. *Patrons:* Watts, Bulova, Herring, Keam, Kory, Plum, Scott, J.M., Sickles and Surovell; Senators: Barker, Howell, Petersen and Ticer. 03/02/10 Senate: Passed Senate with amendment (40-Y 0-N) 03/04/10 House: VOTE: --- ADOPTION (80-Y 19-N)

HB 223 Estate tax; dedication of revenues collected. Reinstates the estate tax for persons dying on or after July 1, 2010. No estate tax will be imposed on a gross estate if the majority of the assets of the estate are an interest in a closely held business or a working farm. The revenues from the estate tax would first be used for funding staffing standards in nursing homes required to be established under the bill, which staffing standards would require a minimum period of time of direct care services to each resident per 24-hour period. *Patrons:* Watts, Kory, Plum, Scott, J.M. and Surovell; Senators: Petersen and Ticer. 02/16/10 House: Left in Finance

HB 224 Highways; payments to cities and towns for maintenance. Equalizes municipal street payments to comparable amounts paid for state maintenance. *Patrons:* Watts, Herring, Kory, Plum, Sickles and Surovell; Senators: Barker, Howell and Ticer. 02/16/10 House: Left in Transportation

HB 230 Motor fuels tax rate increase; allocation of construction funds for primary highway system. (SUPPORT) Increases the motor fuels tax by \$0.10 per gallon, minus \$0.01 for each \$0.20 that the average price of gasoline exceeds \$3.00. The tax will be indexed every two years beginning July 1, 2011, by an amount equal to the percentage change in the U.S. Department of Labor's Producer Price Index for Highway and Street Construction. The revenue generated is used for transportation purposes as required by existing law, and allocates primary system highway construction funds among the nine highway construction districts on the basis of the ratio of vehicle miles traveled on primary highways divided by the lane miles of primary highways in each highway construction district, weighted 90 percent, and a need factor, weighted 10 percent. *Patron:* Watts. 02/16/10 House: Left in Finance

HB 250 Contractors, Board for; raises threshold for Class C contractors license. Raises the threshold for which a person must have a Class C contractor's license from less than \$7,500 to less than \$10,000. As a result, the Class B threshold is also raised from \$7,500 or more to \$10,000 or more. *Patrons:* Merricks and Marshall, D.W. 03/09/10 Governor: Approved by Governor-Chapter 62 (effective 7/1/10)

HB 269 Retail Sales and Use Tax; increases rate on motor fuels in Northern Virginia. (SUPPORT)

Increases the rate of the state sales tax on motor fuels in Northern Virginia from 2.1 percent to 4.2 percent.

Patron: Englin. 02/16/10 House: Left in Finance

HB 276 Highway maintenance funds; requires CTB to allocate funds on basis of achieving level of disparity.

Provides that when allocating funds for the interstate system of highways, the primary system of state highways, and the secondary system of state highways maintained by the Commonwealth, the Commonwealth Transportation Board shall consider achieving a minimal level of disparity among highway construction districts in meeting asset performance standards. Prior to such allocation, the Board shall release for public review a comparison of the proposed allocation of funds by highway construction district with an allocation of funds based entirely on specific asset performance standards by highway construction district. *Patrons:* Albo, Rust, Bulova, Comstock, Hugo, Keam, LeMunyon, Miller, J.H., Sickles and Watts. 03/04/10 Senate: Continued to 2011 in Transportation (12-Y 1-N)

HB 277 Washington Bypass transportation corridor; Transportation Board to establish. (SUPPORT)

Requires the Commonwealth Transportation Board to establish a Washington Bypass transportation corridor. *Patrons:* Albo, Rust and Hugo. 02/16/10 House: Left in Appropriations

HB 280 Fraud to accomplish vote on union organization; person guilty of misdemeanor. (SUPPORT)

Any person who (i) knowingly and intentionally fails to provide full and complete information regarding the consequences of a signature or a vote or an affirmation by another, or (ii) by fraud, material artifice, trickery, or deception, causes or assists in causing a vote to be taken by non-union employees on whether to organize a union, is guilty of a Class 1 misdemeanor. *Patrons:* Albo, Gilbert and Lingamfelter. 02/10/10 House: Continued to 2011 in Courts of Justice

HB 342 Alcoholic beverage control; privatization of ABC stores.

Provides for the issuance of a "package store" license to authorize the retail sale of alcoholic beverages for off-premises consumption. The bill also requires the ABC Board to sell at auction all real estate used as ABC stores, and to terminate leased property upon which the ABC Board has operated a government store. The bill requires the ABC Board to complete an implementation study by December 31, 2010, on how it will privatize government stores. The bill has a delayed effective date of January 1, 2011, to achieve full retail privatization of government stores. The bill provides that any monetary savings realized by the ABC Board from the implementation of the bill shall be applied to the Transportation Trust Fund. The bill contains numerous technical amendments. *Patron:* Marshall, R.G. 02/16/10 House: Left in General Laws

HB 391 Highways; payments to cities and towns for maintenance.

Reduces unrestricted right-of-way widths from 50 to 40 feet and hard-surface widths from 30 to 22 feet before payment can be made by the Commissioner to any city or town for maintenance of certain highways if such highway was constructed on or after January 1, 2011 and is classified as a local street. *Patron:* Lohr. 03/08/10 Senate: Left in Transportation

HB 402 Hampton Roads Bridge-Tunnel; VDOT to accept for review unsolicited proposals to add capacity. (SUPPORT)

Directs the Virginia Department of Transportation to accept for review unsolicited proposals to add capacity to the Hampton Roads Bridge-Tunnel. *Patron:* Oder. 03/11/10 Governor: Approved by Governor-Chapter 126 (effective 7/1/10)□

HB 404 Transportation funding and administration; provides funding in certain localities.

(SUPPORT) Provides for transportation funding and administration in Hampton Roads, Northern Virginia, the Richmond Highway Construction District, the Staunton Highway Construction District, and the Salem Highway Construction District. The amount of funding is based on: (i) for Northern Virginia, a portion of the growth in certain state tax revenues in Northern Virginia; (ii) for Hampton Roads, a portion of the growth in certain state tax revenues generated or facilitated by the marine terminals in Hampton

Roads; (iii) for the Richmond Highway Construction District, a portion of the growth in certain state tax revenues generated or facilitated by the Port of Richmond; (iv) for the Staunton Highway Construction District, a portion of the growth in certain state tax revenues generated or facilitated by the Inland Port at Front Royal; and (v) for the Salem Highway Construction District, a portion of the growth in certain state tax revenues expected to be generate or facilitated by the Elliston Intermodal Facility. *Patrons:* Oder and Stolle. 02/16/10 House: Left in Appropriations

HB 418 Transportation Board; rules and regulations. Provides that any rules and regulations promulgated by the Commonwealth Transportation Board shall be developed in accordance with the Administrative Process Act. This bill is the same as SB 255 (Miller, Y. B.). *Patron:* Oder. 03/01/10 Governor: Approved by Governor-Chapter 17 (effective 7/1/10)

HB 426 Public Procurement Act; cooperative procurement. (SUPPORT) Prohibits a local public body from using another local public body's contract for construction where the cost of the project is in excess of \$200,000 and the other local public body is more than a straight line distance of 75 miles from the territorial limits of the local public body procuring the construction. The bill provides an exception to the above limitation for contracts for the installation of artificial turf or other artificial surfaces. The bill contains technical amendments. *Patrons:* Griffith and Ware, O. 03/09/10 Senate: Passed Senate with amendment (26-Y 14-N) 03/10/10 House: VOTE: --- ADOPTION (97-Y 0-N)

HB 473 Weight limits; extends sunset provision for trucks hauling gravel, etc., in coal-producing counties. (SUPPORT) Extends "sunset" on increased weight limits applicable to trucks hauling gravel and certain other cargoes in coal-producing counties to July 1, 2011. *Patrons:* Carrico and Morefield; Senator: Puckett. 02/09/10 House: VOTE: BLOCK VOTE PASSAGE (99-Y 0-N) 03/02/10 Senate: Passed Senate (40-Y 0-N)

HB 480 Public-Private Transportation Act of 1995; CTB to conduct third party audits of agreements executed. (OPPOSE) Requires the Commonwealth Transportation Board to conduct third party audits of agreements executed under the Public-Private Transportation Act. Under the bill, the audits will consists of a review of the bidding process and certain other summary information regarding each project. The bill requires responsible public entities proceeding under the Act to advertise in the area where the project will be located to encourage participation by local small contractors. In addition, the bill (i) provides that contracts must be rebid if a change order exceeds 25 percent or one million dollars over the original contract amount, (ii) limits agreements under the act from extending more than two years past the original completing date without being rebid, and (iii) requires all agreements to include standard small, women-owned and minority-owned participation components of 30 percent as of July 1, 2010. *Patrons:* Carrico and Armstrong; Senator: Reynolds. 02/16/10 House: Left in Transportation

HB 485 Governor; shall initiate an operational and programmatic performance review of state agencies. Directs the Governor to initiate on July 1, 2010, an operational and programmatic performance review of (i) the agencies under the Secretary of Health and Human Resources and the Secretary of Public Safety, (ii) the Department of Transportation, (iii) the Department of Education, including primary and secondary education funded by the Commonwealth, and (iv) any other department, agency, or program of the Commonwealth in the executive branch of state government that the Governor deems necessary to effect savings in expenditures, a reduction in duplication of effort, and programmatic efficiencies in the operation of state government. The review shall be concluded by December 1, 2011. The review shall be conducted by a private management consulting firm. The goal of the review is to effect savings in expenditures, a reduction in duplication of effort, and programmatic efficiencies in the operation of state government. The review would be conducted only pursuant to a fixed price contract. *Patrons:* Lingamfelter, Albo, Anderson, Athey, Bell, Richard P., Cole, Garrett, Gilbert and Rust; Senator: Martin. 02/26/10 Senate: Passed Senate with amendment (39-Y 0-N) 03/02/10 House: VOTE: --- ADOPTION (99-Y 0-N)

HB 510 State Inspector General; established. Establishes the Office of the State Inspector General to examine the management and operation of state agencies and nonstate agencies that receive state funds, conduct independent evaluations of the programs and activities of such agencies, and investigate complaints alleging fraud, waste, abuse, or corruption by state officers and state employees. A record exemption from the Freedom of Information Act is also provided for investigative notes, correspondence, and information furnished in confidence to the State Inspector General during the investigation of a complaint. *Patron:* Brink. 02/04/10 House: Passed by in General Laws with letter

HB 515 Wetlands and stream mitigation; prohibits localities from regulating location of projects. (SUPPORT) Prohibits localities from regulating the location of wetlands and stream mitigation projects that are subject to a Virginia Water Protection Permit or a Corps of Engineer § 404 permit. However, a locality may continue to determine the allowed uses within its zoning classifications. *Patrons:* Rust and Knight. 02/01/10 House: VOTE: BLOCK VOTE PASSAGE (97-Y 0-N) 02/25/10 Senate: Passed Senate (40-Y 0-N)

HB 519 Minority Business Enterprise, Department of; enhancement measures for small, women-owned, etc. (OPPOSE) Includes women-owned and minority-owned businesses in considerations for procurement enhancements or remedies established consistent with prevailing law. The bill also authorizes the Department of Minority Business Enterprises to enforce the implementation of the appropriate enhancements or remedial measures. *Patron:* Morrissey. 02/16/10 House: Left in General Laws

HB 540 Salem Highway Construction District Transportation Revenue Fund; established. (SUPPORT) Provides funds for transportation in the Salem Highway Construction District by allocating revenue attributable to a portion of economic growth due to or facilitated by the Inland Port in Montgomery County. *Patrons:* Marshall, D.W. and Merricks. 02/16/10 House: Left in Appropriations

HB 542 Minority Business Enterprise, Department of; includes retired military personnel-owned business. (OPPOSE) Includes retired military personnel-owned business in the procurement opportunities and certification process currently in place for small, women-owned, and minority-owned businesses. *Patron:* Marshall, D.W. 02/16/10 House: Left in General Laws

HB 543 Prisoners; use to maintain medians or other nontraveled portions of state highways. Authorizes the use of prisoner labor to maintain the medians or other nontraveled portions of state highways. *Patrons:* Marshall, D.W., Byron, Merricks, Nixon and Putney. 03/11/10 Governor: Approved by Governor-Chapter 128 (effective 7/1/10)

HB 567 Public Procurement Act; state-aid construction projects. Raises the competitive bidding/competitive negotiation dollar threshold from \$30,000 to \$50,000 for state-aid construction projects. *Patron:* Iaquinto. 01/29/10 House: VOTE: BLOCK VOTE PASSAGE (96-Y 0-N) 03/08/10 Senate: Passed Senate (40-Y 0-N)□

HB 614 Income tax laws; conformity to Internal Revenue Code. Advances the date as of which Virginia's system of taxation conforms with the Internal Revenue Code (IRC) from December 31, 2008, to December 31, 2009, and adds two new exceptions; the deferral of certain income under § 108 (i) of the IRC, and the original issue discount on applicable high yield discount obligations under IRC § 163 (e)(5)(F). Taxpayers are preparing and filing returns during the Session, therefore, the bill contains an emergency clause. *Patron:* Purkey. 02/16/10 House: Left in Appropriations

HB 615 Public Procurement Act; small, women, minority, and service disabled veteran-owned businesses. (SUPPORT) Provides that for the solicitation or awarding of contracts with small, women-owned, minority-owned, or service disabled veteran-owned businesses, all public bodies shall include in

every such contract the following provision: "During the performance of this contract, the contractor agrees that no more than 20 percent of the contracted work will be subcontracted to any business that does not meet the definition of small, women-owned, minority-owned, or service disabled veteran-owned business, except where there is a bona fide occupational qualification reasonably necessary to the normal operation of the contractor. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth these requirements. The bill provides that notices, advertisements, and solicitations placed in accordance with federal law, rule, or regulation shall be deemed sufficient posting. The bill contains technical amendments. *Patron:* Lohr. 01/26/10 House: Passed by in General Laws with letter

HB 631 Commonwealth Transportation Commissioner; advertising for bids. Provides that the Commonwealth Transportation Commissioner may let projects costing below \$300,000 to contract. The bill further provides that the Commissioner may, at his discretion, build or maintain any of the roads by state or local employees as he may designate, in cases of emergency or on projects costing not more than \$600,000. This bill is identical to SB 254 (Miller, Y. B.). *Patron:* Scott, E.T. 03/01/10 Governor: Approved by Governor-Chapter 22 (effective 7/1/10)

HB 665 Budget bill; Governor to provide for additional appropriations to Transportation Trust Fund. (SUPPORT) Requires the Governor, in submitting his biennial budget bill, to provide for additional appropriations to the Transportation Trust Fund from general fund revenues in cases in which general fund revenues for a fiscal year are projected to grow by at least three percent. Any such additional appropriation to the Transportation Trust Fund recommended by the Governor would be required to be in an amount not less than one percent of the projected growth in general fund revenues for the fiscal year. *Patrons:* May, Albo, Cole, Comstock, Cox, J.A., Crockett-Stark, Greason, Iaquinto, LeMunyon, Lingamfelter, Rust and Scott, E.T. 02/23/10 Senate: Continued to 2011 in Finance (14-Y 1-N)

HB 666 Transportation Capital Projects Revenue Bonds; used for new road or highway construction projects. (SUPPORT) Provides that at least 50 percent of the proceeds of Commonwealth of Virginia Transportation Capital Projects Revenue Bonds would be used for new road or highway construction projects. The bill defines a new road or highway construction project as the construction of, enhancement of, or addition to a road or highway (or a portion or segment of a road or highway), which construction, enhancement, or addition did not commence prior to January 1, 2010. Commonwealth of Virginia Transportation Capital Projects Revenue Bonds were authorized for issuance in 2007 pursuant to House Bill No. 3202. *Patrons:* May, Albo, Comstock, Crockett-Stark, Greason, Hugo, Iaquinto and Rust. 02/02/10 House: Passed by in Transportation with letter

HB 680 Recordation fees; increases every deed, deed of trust, etc., conveying an interest in real property. Increases the recordation fee from one to two dollars for every deed, deed of trust, contract, or other instrument conveying an interest in real property. *Patron:* May. 02/10/10 House: Stricken at request of Patron in Finance

HB 696 Surface & groundwaters; Water Control Board impose penalty when failure to report water withdrawal. Authorizes the State Water Control Board to impose a civil penalty, not to exceed \$1,000, upon any person who fails to register and report certain water withdrawal information. However prior, to determining whether a civil penalty should be assessed, the Board is required to give the permit holder 60 days to come into compliance with the reporting requirement. A violator also has the option of entering into a consent agreement with the Board and pay a civil charge that could be less than the \$1,000 penalty. Any person who withdraws more than one million gallons in any single month for crop irrigation or who withdraws during any single month a daily average 10,000 gallons per day is required to be registered and report the amount of his withdrawals. The revenue generated from the civil penalties and charges will be deposited in a special fund that can be used solely to fund the Department of Environmental Quality's water supply planning responsibilities. *Patrons:* Bulova, Morgan and Abbitt; Senator: Ticer. 02/03/10 House: Continued to 2011 in Agriculture, Chesapeake and Natural Resources

HB 737 E-Verify Program; requires state agencies and those newly hired to perform work in State. (OPPOSE) Requires agencies of the Commonwealth to enroll in the E-Verify Program by December 1, 2012, and to use the Program for each newly hired employee who is to perform work within the Commonwealth. *Patrons:* Albo, Anderson, Athey, Carrico, Cole, Gilbert, Hugo, Lingamfelter, Marshall, R.G., Miller, J.H., Rust and Tata. 03/10/10 Senate: Passed Senate with amendments (37-Y 3-N) □
03/11/10 House: VOTE: --- ADOPTION (87-Y 8-N)

HB 756 Offshore drilling; royalties to be deposited in Transportation Trust Fund, etc. (SUPPORT) Requires that all revenues and royalties paid to the Commonwealth as a result of offshore natural gas and oil drilling shall be distributed as follows: (i) 70 percent to the Transportation Trust Fund, (ii) 20 percent to the Virginia Coastal Energy Research Consortium, and (iii) 10 percent to localities for improvements to infrastructure and transportation. *Patrons:* Stolle, Albo, Anderson, Bell, Richard P., Byron, Carrico, Cole, Comstock, Cosgrove, Cox, J.A., Crockett-Stark, Gilbert, Greason, Hugo, Iaquinto, Jones, Knight, Landes, LeMunyon, Lingamfelter, Lohr, Miller, J.H., Oder, Pogge, Poindexter, Purkey, Scott, E.T., Tata and Villanueva. 03/09/10 Governor: Approved by Governor-Chapter 98 (effective 7/1/10)

HB 768 Political contributions; prohibition during procurement process. (OPPOSE) Provides that no bidder or offeror, or person acting on his behalf, who has submitted a bid or proposal for the award of a public contract with an expected value of \$1 million or more pursuant to the Virginia Public Procurement Act shall make, directly or indirectly, a contribution to any campaign committee, political action committee, or political party committee during the period between the submission of the bid or proposal and the award of the contract. A person who violates this prohibition shall be subject to a civil penalty of up to two times the amount of the contribution. *Patrons:* Cleaveland, Athey, Cox, J.A., Cox, M.K., Gilbert, Lohr, Marshall, D.W., Merricks, Poindexter, Scott, E.T. and Stolle. 02/12/10 House: Tabled in Privileges and Elections

HB 779 Northern Virginia transportation projects; VDOT to evaluate and make periodic reports. Requires VDOT to evaluate and make periodic reports on transportation improvement projects in the Northern Virginia highway construction district. *Patrons:* LeMunyon, Cole, Comstock, Hugo and Rust. 02/11/10 House: Passed by in Transportation with letter (13-Y 8-N)

HB 789 Public Procurement Act; increases cost of construction for which state or local public body may use. Increases from \$1 million to \$1.5 million the cost of a construction contract for which a state or local public body may use competitive negotiation instead of competitive bidding to procure the construction. *Patrons:* Villanueva and Keam. 02/12/10 House: VOTE: BLOCK VOTE PASSAGE (96-Y 0-N) 03/08/10 Senate: Passed Senate (40-Y 0-N)

HB 805 Offshore drilling; portion of royalties to be deposited in Transportation Trust Fund. (SUPPORT) Requires that 80 percent of any revenues and royalties paid to the Commonwealth as a result of offshore natural gas and oil drilling shall be deposited to the Transportation Trust Fund. The remaining 20 percent shall be used to encourage and incentivize non-petroleum based transportation fuels. *Patrons:* Poindexter, Albo, Anderson, Athey, Byron, Cox, J.A., Gilbert, Iaquinto, Knight and Lingamfelter. 02/01/10 House: Incorporated by Appropriations (HB756-Stolle)

HB 818 Commonwealth Transportation Board (CTB); composition. (OPPOSE) Changes the composition of the CTB: one will be appointed from each of Virginia's 11 Congressional Districts (as they were on January 1, 2010, four more will be at-large appointees: one representing seaports, one representing aviation, one representing railroads, and one representing mass transit; the three ex-officio members remain unchanged. *Patrons:* Surovell, Alexander, BaCote, Brink, Bulova, Dance, Englin, Herring, Hope, Keam, Kory, McClellan, McQuinn, Miller, P.J., Morrissey, Plum, Scott, J.M., Torian, Tyler and Watts; Senators: Marsden, Petersen, Puller and Ticer. 02/16/10 House: Left in Transportation

HB 831 Public Procurement Act; foreign & domestic businesses authorized to transact business in State. Requires all public bodies to include in every written contract a provision that the contractor must be authorized to transact business in Virginia as a domestic or foreign business entity as required by the State Corporation Commission, if such is required by law. Such status shall be maintained during the term of a contract. A contract entered into by a business in violation of the requirements is voidable at the option of the public body. *Patrons:* Surovell; Senator: Petersen. 03/08/10 Senate: Passed Senate with substitute (40-Y 0-N) □ 03/10/10 House: VOTE: --- ADOPTION (95-Y 1-N)

HB 848 Route 711; Buchanan County may enter into an agreement with Pike County, Kentucky to improve. (SUPPORT) Provides that Buchanan County may enter into an agreement with Pike County, Kentucky, to improve Route 711. This bill is identical to SB 371. *Patron:* Morefield. 02/02/10 House: VOTE: --- PASSAGE (92-Y 3-N) 02/26/10 Senate: Passed Senate (39-Y 0-N)

HB 856 Speed limits; increases on highways where it is presently 65 mph to 70 mph. Increases the general highway speed limit on highways where it is presently 65 mph to 70 mph. This bill incorporates HB 176 and is identical to SB 537 (Newman). *Patrons:* Carrico, Anderson, Athey, Bell, Richard P., Crockett-Stark, Lingamfelter, Merricks and Morrissey. 03/01/10 Governor: Approved by Governor-Chapter 26 (effective 7/1/10)

HB 876 Fences along Interstate highways; VDOT to adhere to local policies in installing. Requires VDOT to adhere to local policies in installing and maintaining fences along Interstate Highway System components. *Patron:* Cline. 02/02/10 House: Continued to 2011 in Transportation

HB 900 Offshore drilling; portion of royalties to be deposited in Transportation Trust Fund. (SUPPORT) Apportions 80 percent of any royalties that the Commonwealth might receive from offshore drilling for natural gas and oil to the Transportation Trust Fund, and 20 percent to programs developed by the Secretary of Natural Resources to clean up the Chesapeake Bay. *Patron:* Comstock. 02/01/10 House: Incorporated by Appropriations (HB756-Stolle)

HB 916 Driver's license, commercial; disqualification of license if convicted of manslaughter. Provides that the Commissioner shall disqualify for a period of five years any person convicted of voluntary or involuntary manslaughter, where the death occurred as a direct result of the operation of a commercial motor vehicle. *Patron:* Bell, Robert B. 03/10/10 Senate: Passed Senate with amendment (40-Y 0-N) □ 03/11/10 House: VOTE: --- ADOPTION (98-Y 0-N)

HB 948 HOT lanes; VDOT to conduct a NEPA study prior to construction on any portion of I-95 or I-395. (OPPOSE) Requires VDOT to conduct a NEPA study prior to any HOT lane construction on any portion of I-95 or I-395. *Patrons:* Englin, Ebbin and Kory. 02/16/10 House: Left in Transportation

HB 969 PPTA; preconditions to certain comprehensive agreements. (OPPOSE) Requires that highway construction projects of \$100 million or more undertaken under the PPTA have prior approval from the General Assembly. The bill further requires that any proposed PPTA contract involving HOT lanes be subject to an explicit evaluation comparing its impact with a mass-transit-based alternative. *Patrons:* Englin, Ebbin and Kory. 02/02/10 House: Tabled in Transportation (14-Y 4-N)

HB 970 Transportation Trust Fund; increases amount of general fund surplus. (SUPPORT) Increases from two-thirds to 75 percent the amount of the general fund surplus designated to the Transportation Trust Fund within the Comptroller's annual report following the close of each fiscal year. The governor would include in his budget bill an amount for deposit into the Transportation Trust Fund equivalent to the amount designated by the Comptroller. *Patrons:* Rust, Albo, Anderson, Bell, Richard P., Bulova, Comstock, Greason, Hugo, Iaquinto, Keam, LeMunyon, Lingamfelter and Sickles. 03/08/10 Senate: Left in Finance

HB 971 Northern Virginia Transportation Authority Sales and Use Tax Fund; established.

(SUPPORT) Provides additional funding for transportation by (i) imposing a transportation infrastructure users fee on motor fuels sold by a distributor to a retail dealer at the rate of one percent, to be used for highway maintenance in the highway construction district in which the fuel is sold; (ii) increasing the state sales and tax in Northern Virginia by 0.5 percent for transportation projects in Northern Virginia; and (iii) imposing a regional congestion relief fee on the recordation of deeds in Northern Virginia at a rate of \$0.40 per \$100. Neither the fees nor the tax increase shall become effective until the unemployment rate in the Commonwealth is equal to or lower than it was in January 2008 for six consecutive months. The bill also requires a performance audit of the Commonwealth's transportation programs. *Patrons:* Rust, May, Watts and Kory. 02/10/10 House: Continued to 2011 in Finance

HB 990 Web-based procurement program; DGS to establish a fee schedule for all procurement contracts.

Requires the Department of General Services to establish a fee schedule limited to 0.5 percent of the total purchase order for all procurement contracts made with its web-based electronic procurement program commonly known as "eVA." The bill also eliminates any vendor registration fee to participate in the program. *Patron:* Nutter. 02/11/10 House: Tabled in General Laws

HB 1008 Contractors, Board for; license renewal and continuing education for contractors.

Authorizes the Board for Contractors to establish in its regulations a requirement for the successful completion of a course on building codes, not to exceed three hours of classroom instruction, as a prerequisite to renewal of any license. The Board may approve such courses as it deems appropriate. *Patron:* Athey. 02/16/10 House: Left in General Laws

HB 1013 Virginia Infrastructure in Urban Development Areas Loan Fund; created. (SUPPORT)

Creates the Virginia Infrastructure in Urban Development Areas Loan Fund. The Fund would be administered by the Virginia Resources Authority. Money in the Fund would be used exclusively for the financing of transportation improvement projects, small water facility, and wastewater treatment facility projects located or to be located within an urban development area in the Commonwealth and undertaken by a local government. Priority for loans would be given to projects that will serve two or more local governments to encourage regional cooperation. *Patrons:* Athey and Morefield. 02/23/10 Senate: Continued to 2011 in Local Government (15-Y 0-N)

HB 1047 Mass Transit Fund; increases percentage of Trans Trust Fund revenues in. (OPPOSE)

Increases the percentage of Transportation Trust Fund revenues flowing into the Commonwealth Mass Transit Fund from 14.7 to 19 percent. *Patrons:* Kory, Hope and Scott, J. 02/16/10 House: Left in Appropriations

HB 1059 Transportation Capital Projects Bond Act of 2010; created. (SUPPORT)

Authorizes the Commonwealth Transportation Board to issue bonds in an aggregate amount not to exceed \$3,963,000,000 for specific transportation projects throughout the Commonwealth. The bonds will be paid for by the revenues collected for each project through tolls and other fares or fees. *Patron:* Marshall, R.G. 02/16/10 House: Left in Appropriations

HB 1061 Transportation Bond Act of 2010; created. (SUPPORT)

Authorizes issuance of general obligation bonds in an amount not to exceed \$3,963,000,00 to finance capital transportation projects. *Patron:* Marshall, R.G. 02/16/10 House: Left in Appropriations

HB 1068 Overweight vehicles; penalties. (SUPPORT) Provides that, in assessing penalties for vehicles whose weight exceeds that authorized in an overweight permit issued for the vehicle, the amount of the penalty is to be based on the amount by which the weight of the vehicle exceeds that authorized by the permit, not the amount by which its weight exceeds the weight limit that would have been applicable had no overweight permit been issued. *Patron:* Athey. 01/26/10 House: Passed by in Transportation with letter

HB 1103 Primary system highway construction funds; allocation. Allocates primary system highway construction funds among the nine highway construction districts on the basis of the ratio of vehicle miles traveled on primary highways divided by the lane miles of primary highways in each highway construction district, weighted 90%, and a need factor, weighted 10%. *Patrons:* Sickles and Surovell. 02/09/10 House: Passed by in Transportation with letter

HB 1117 Highway work zones; increases penalty for speeding violation. (SUPPORT) Increases from \$500 to \$1,000 the penalty for speeding in a highway work zone. Further provides that any violation resulting in the injury of a construction worker is punishable by imprisonment of up to one year and any violation resulting in the death of a construction worker is punishable by imprisonment of up to 15 years. *Patrons:* Ebbin, Abbott and Englin. 02/16/10 House: Left in Courts of Justice

HB 1124 Street maintenance payments; provides for increased payments where traffic volumes exceed average. Provides for increased payments where traffic volumes exceed the statewide average by more than 20 percent. *Patrons:* Keam and Kory. 02/02/10 House: Tabled in Transportation (13-Y 4-N)

HB 1131 Transportation Board; formulas for allocating funds. Adds one member from the Northern Virginia highway construction district to the CTB. The bill also provides for allocation of highway construction funds within primary, urban, and secondary systems by the CTB on the basis of (i) population, (ii) traffic congestion, (iii) ambient air quality, (iv) functional classifications of highways, and (v) other important objectives as determined by the CTB, with each such factor being given equal weight. *Patrons:* Keam and Kory. 02/16/10 House: Left in Transportation

HB 1137 Groundwater withdrawal permit fees; increases maximum amount State Water Control Board can charge. Increases the maximum amount that the State Water Control Board can charge for a permit to withdraw ground water from \$6,000 to \$12,000. The term of a ground water permit is up to 10 years. The State Water Control Board is also authorized to set up a fee schedule to allow permit holders to pay their permit fees on an annual basis over the term of the permit. *Patrons:* Morgan and Abbitt; Senator: Ticer. 02/16/10 House: Left in Appropriations

HB 1153 Motor fuels tax; converts rates of taxation from cents per gallon to percentage rates. (OPPOSE) Converts the rates of taxation on motor fuels from cents per gallon to percentage rates. The percentage rates shall be calculated by the Commissioner of the Department of Motor Vehicles in an amount that will most closely yield the amount of cents per gallon being charged on the applicable motor fuel prior to the effective date of the bill. Thereafter, the percentage rates would not change, but would be applied against the average price per gallon of the fuel, less federal and state taxes, as determined by the Commissioner of the Department of Motor Vehicles over rolling six-month periods, to determine the cents to be charged. *Patrons:* Scott, J.M. and Kory. 02/16/10 House: Left in Finance

HB 1158 Primary & secondary road projects; establishment & use of regional accounts by Transportation Board. Provides for the establishment of regional accounts, one for each highway construction district, whereby new transportation revenues not previously in existence generated on and after July 1, 2010 shall be deposited, to be used by the Commonwealth Transportation Board for allocation of funds for specific transportation projects within the region wherein the revenue is generated. This system of allocation is to be in addition to and not a replacement for other transportation construction fund allocation formulas. *Patrons:* Oder, Albo, Iaquinto, Knight and Villanueva. 03/02/10 Senate: Subject matter referred by letter to the Governor's Study Commission on Transportation Funding

HB 1183 Mineral mining; increases license fee. (SUPPORT) Increases the license fee for a mineral mine license from \$180 to \$450 and the license fee for any person engaged in mining sand or gravel on an area of five acres or less from \$48 to \$120. *Patron:* Phillips. 02/16/10 House: Left in Appropriations

HB 1220 Stormwater management regulations; changes effective date that establishes local program criteria. Delays the regulation that establishes local program criteria and delegation procedures and the water quality and water quantity criteria. The regulation, however, shall be adopted within 280 days after the establishment of the U.S. Environmental Protection Agency's Chesapeake Bay-wide Total Maximum Daily Load, but no later than December 1, 2011. The bill also directs the Virginia Soil and Water Conservation Board to establish an advisory panel to review the regulation and make recommendations on possible revisions to the regulation. This bill incorporates HB 1311 and HB 155. This bill is identical to SB 395. *Patrons:* Hugo, Dance, Bulova, Gilbert, Scott, E.T. and Villanueva. 03/11/10 Governor: Approved by Governor-Chapter 137 (effective 7/1/10)

HB 1223 HOT lanes; requires shoulder widths are sufficient for safe operation of transit vehicles. Requires that, in designating HOT lanes, lane shoulder widths are sufficient for safe operation of transit vehicles and levels of performance of existing HOV facilities do not deteriorate. The bill further mandates that local governments' concerns with congestion at points of access and egress and on parallel local streets are openly and meaningfully addressed. *Patron:* Ebbin. 02/02/10 House: Tabled in Transportation

HB 1230 Underground Utility Damage Prevention Act; sewer laterals. Establishes a set of requirements for the protection of sewer system laterals and private sewer laterals that are unique from the general requirements of the Underground Utility Damage Prevention Act. The measure also establishes procedures to address recurring noncompliance with the provisions of the Act by localities and other political subdivisions of the Commonwealth. The measure will become effective on January 1, 2011. *Patrons:* Ware, R.L. and Purkey. 01/27/10 House: VOTE: BLOCK VOTE PASSAGE (98-Y 0-N) 02/25/10 Senate: Passed Senate (40-Y 0-N)

HB 1241 Metropolitan planning organizations; membership. Provides that any metropolitan planning organization may vote, with prior written authorization from the Governor, to have its membership expanded to include members of the House of Delegates, as selected by the Speaker of the House of Delegates, and members of the Senate, as selected by the Senate Committee on Rules. *Patron:* Oder. 03/05/10 House: Enacted, Chapter 45 (effective 7/1/10)

HB 1258 Construction contracts; indemnification provisions. (SUPPORT) Declares that a provision in a construction contract that requires the contractor to provide insurance coverage, or to name a party to the contract as an additional insured on a policy of insurance, for the purpose of providing an indemnity that is prohibited under current law, is void and unenforceable. The measure also provides that a provision in a construction contract by which the contractor purports to indemnify or hold harmless another party against liability for damage caused by independent contractors of the other party is void and unenforceable. *Patron:* Albo. 02/09/10 House: Passed by in General Laws with letter

HB 1279 Public Procurement Act; certain amount of contracts to be awarded to small businesses, etc. (OPPOSE) Requires the Department of General Services, in conjunction with the Department of Minority Business Enterprise, to develop a program that insures that at least 15 percent of state procurement contracts are awarded to small, women-owned, and minority-owned businesses located in historically underutilized business zones (HUB Zone) that meet certain requirements. The bill defines HUB Zone. *Patrons:* McClellan, Abbott, Alexander, BaCote, Carr, James, Lewis, McQuinn, Scott, J.M., Sickles, Surovell, Tyler and Ward. 02/16/10 House: Left in General Laws

HB 1309 Public Procurement Act; procurement of certain professional services by Transportation Commissioner. (SUPPORT) Increases from \$2 million to \$5 million the amount of all projects in one contract term for environmental location, design, and inspection work regarding highways and bridges awarded by the Commonwealth Transportation Commissioner. Such contract may be renewable for two additional one-year terms at the option of the Commissioner. *Patron:* Scott, E.T. 02/12/10 House: VOTE: BLOCK VOTE PASSAGE (96-Y 0-N) 03/10/10 Senate: Passed Senate (40-Y 0-N)

HB 1311 Stormwater management regulations; extends effective date that establishes local program criteria. (SUPPORT) Delays the effective date of regulation that establishes local program criteria and delegation procedures and the water quality and water quantity criteria for stormwater to no later than September 1, 2011. The bill also requires the Virginia Soil and Water Conservation Board to conform the regulation to be consistent with this effective date. *Patron:* Bulova. 02/10/10 House: Incorporated by Agriculture, Chesapeake and Natural Resources (HB1220-Hugo)

HB 1315 State agencies, department, etc.; funds received from federal government not subject to state audit. Provides that any department, agency, bureau, or institution of the Commonwealth receiving federal funds shall not be subject to a state audit for such federal funds. *Patron:* Pollard. 02/16/10 House: Left in General Laws

HB 1319 Carbon dioxide emissions; defers USEPA enforcement of any standards or cap and trade provisions. Defers to the U.S. Environmental Protection Agency (USEPA) the enforcement of any carbon dioxide standards or cap and trade provisions that are included in the federal Clean Air Act. The bill requires the Governor, in consultation with the Attorney General, to examine these provisions and determine whether Congress has the authority to enact mandates upon the states. The Governor is to report his findings to the General Assembly. The bill authorizes the Attorney General to bring an action against the USEPA if he finds that the mandated standards are based on a finding that is not scientifically demonstrated. *Patrons:* Marshall, R.G., Morefield and Cole. □02/10/10 House: Continued to 2011 in Agriculture, Chesapeake and Natural Resources

HB 1323 Tolls; provided at Monitor Merrimac Memorial Bridge-Tunnel & Hampton Roads Bridge-Tunnel. (SUPPORT) Provides for tolls at the Monitor Merrimac Memorial Bridge-Tunnel and the Hampton Roads Bridge-Tunnel. *Patron:* May. 02/09/10 House: Continued to 2011 in Transportation (18-Y 3-N)

HB 1326 Workers' compensation; medical services. Provides that a health care provider rendering medical services outside Virginia to an injured worker whose claim and injuries have been accepted as compensable under the Virginia Workers' Compensation Act shall be reimbursed for authorized, reasonable and necessary medical treatment in an amount equal to the workers' compensation fee schedule, if any, adopted by that state. If the other state does not have a fee schedule, the provider will be reimbursed based on the charges prevailing in the same community for similar treatment when the treatment is paid for by the injured person. The measure also directs the Workers' Compensation Commission to appoint a task force to develop recommendations relating to reductions or discounts for multiple surgical procedures performed during a single operative session, liability for the costs of assistants-at-surgery, and whether prompt payment to medical providers should be required. The Commission shall develop regulations addressing these issues by November 30, 2011. *Patron:* Merricks. 03/08/10 Senate: Continued to 2011 in Commerce and Labor (15-Y 0-N)

HB 1329 Motor fuels sales tax; defines gross sales and sales price for purposes of tax in Northern Virginia. Defines "gross sales" and "sales price" for purposes of the state motor fuels sales tax in Northern Virginia. "Gross sales" means the same as its definition in provisions of the Retail Sales and Use Tax and would exclude separately stated federal diesel excise taxes. "Sales price" means the same as its definition in provisions of the Retail Sales and Use Tax but would include all transportation and delivery charges, even if separately stated. *Patron:* Lingamfelter. 02/16/10 House: VOTE: BLOCK VOTE PASSAGE (99-Y 0-N) □02/26/10 Senate: Passed Senate (39-Y 0-N)

HB 1336 Commercial dumpsters; VDOT shall issue permits for temporary placement in residential neighborhoods. Provides that VDOT shall issue permits for placement of dumpsters in certain roadways. *Patron:* Hugo. 02/16/10 House: Left in Transportation

HB 1359 Income tax, corporate; tax credit for investments in machinery or equipment by small businesses. Establishes a tax credit for investments in machinery or equipment by small businesses. The credit would equal 20 percent of investment amount. The Department of Taxation would administer the tax credits. Taxpayers would not be allowed more than \$10,000 in tax credit for any taxable year in which an incremental investment in machinery or equipment was made. Any unused tax credit would be allowed to be carried forward for five taxable years. The credit would be effective for taxable years 2010, 2011, and 2012. *Patron:* Keam. 02/10/10 House: Incorporated by Finance (HB2-Loupassi)

HB 1362 Motor fuels tax; DMV Commissioner to revoke licenses issued to persons violating tax provisions. Allows the DMV Commissioner to revoke licenses issued to persons in accordance with motor fuels tax law who are found guilty of violating or of noncompliance with any of the motor fuels tax provisions. *Patron:* Pollard. 02/10/10 House: Stricken at request of Patron in Finance

HB 1369 Secondary Street Acceptance Requirements; VDOT to reconsider. Requires VDOT to reconsider its Secondary Street Acceptance Requirements effective July 1, 2009, with specific focus on the connectivity index and the means by which an exception can be granted. The reconsideration is also to focus on the unique challenges in rural applications. *Patron:* Poindexter. □02/16/10 House: Left in Transportation

HJ 5 Constitutional amendment (first resolution); Transportation Funds. (SUPPORT) Requires the General Assembly to maintain permanent and separate Transportation Funds to include the Commonwealth Transportation Fund, Transportation Trust Fund, Highway Maintenance and Operating Fund, and other funds established by general law for transportation. All revenues dedicated to Transportation Funds on January 1, 2011, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds, unless the General Assembly by general law, other than a general appropriation law, alters the revenues dedicated to the Funds. The amendment limits the use of Fund moneys to transportation and related purposes. The General Assembly may borrow from the Funds for other purposes only by a vote of two-thirds plus one of the members voting in each house, and the loan must be repaid with reasonable interest by the end of the fourth fiscal year following the date of the borrowing. *Patrons:* Oder, Cox, J.A., Miller, J.H., Pollard and Wright. 02/16/10 House: Left in Privileges and Elections

HJ 61 Transportation Needs, Commission on; established, report. (SUPPORT) Establishes the Commission on Virginia's Transportation Needs to look at transportation needs in Virginia and alternatives for planning and financing Virginia's transportation system. *Patron:* Plum. 02/16/10 House: Left in Rules

HJ 67 Constitutional amendment; Transportation Funds (first resolution). (SUPPORT) Requires the General Assembly to maintain permanent and separate Transportation Funds to include the Commonwealth Transportation Fund, Transportation Trust Fund, and Highway Maintenance and Operating Fund. All revenues dedicated to Transportation Funds on January 1, 2009, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds, unless the General Assembly by general law, other than a general appropriation law, alters the revenues dedicated to the Funds. The amendment limits the use of Funds moneys to transportation and related purposes. The General Assembly may borrow from the Funds for other purposes only by a vote of two-thirds plus one of the members voting in each house, and the loan or reduction must be repaid with reasonable interest within four years. *Patron:* Marshall, R.G. 02/16/10 House: Left in Privileges and Elections.

HJ 68 Highway; Joint Commission on Transportation Accountability to develop plan to place toll on certain. (SUPPORT) Directs the Joint Commission on Transportation Accountability to develop a plan to toll certain highways. *Patron:* Rust. 03/05/10 Senate: Failed to Report in Rules

HJ 69 Constitutional amendment; Transportation Funds (first reference). (SUPPORT) Requires the General Assembly to maintain permanent and separate Transportation Funds to include the Commonwealth Transportation Fund, Transportation Trust Fund, Highway Maintenance and Operating Fund, and other funds established by general law for transportation. All revenues dedicated to Transportation Funds on January 1, 2011, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds. The General Assembly by general law, other than a general appropriation law, may alter the revenues dedicated to the Funds. The amendment limits the use of Fund moneys to transportation and related purposes. The General Assembly may borrow from the Funds for other purposes only by a vote of two-thirds plus one of the members voting in each house, and the loan must be repaid with reasonable interest within four years. Moneys designated for deposit into funds other than Transportation Funds shall not be used for any transportation-related purpose except for making certain debt service payments on transportation-related bonds and notes. *Patron:* Watts. 02/16/10 House: Left in Privileges and Elections

HJ 81 Hampton Roads Bridge-Tunnel; VDOT to implement recommendations of Independent Review Panel. (SUPPORT) Requests the Virginia Department of Transportation to implement the recommendations of the Independent Review Panel and report on the status of such implementation to the Joint Commission on Transportation Accountability. *Patron:* Oder. 03/05/10 Senate: Passed by indefinitely in Rules

HJ 86 Constitutional amendment; Transportation Trust Fund (first reference). (SUPPORT) Provides that the Transportation Trust Fund established in 1986 will be a permanent fund and receive all revenues generated by the 1986 package of tax and fee increases and any later enactments dedicating additional revenues to the Fund. The amendment limits the use of Trust Fund moneys to purposes of highway construction, maintenance, and improvements; public transportation; railways; seaports; and airports. The General Assembly may use fund proceeds for other purposes only by a two-thirds vote of the members in each house and, fund proceeds thus approved for other purposes must be repaid to the Fund within three years. *Patrons:* Marshall, D.W., Anderson, Athey, Bell, Robert B., Byron, Cleaveland, Cox, J.A., Crockett-Stark, Hugo, Landes, Lingamfelter, Lohr and Merricks. 02/16/10 House: Left in Privileges and Elections

HJ 96 Transportation Needs, Commission on; established, report. (SUPPORT) Establishes the Commission on Virginia's Transportation Needs to look at transportation needs in Virginia and alternatives for planning and financing Virginia's transportation system. *Patron:* May. 02/16/10 House: Left in Rules

HJ 134 Transportation Network of Hampton Roads, Joint Subcommittee Studying; continued. (SUPPORT) Extends the Joint Subcommittee to Study the Transportation Network of Hampton Roads for a third year. *Patron:* Jones. 01/29/10 House: VOTE: BLOCK VOTE PASSAGE (89-Y 0-N) 03/09/10 Senate: Agreed to by Senate by voice vote

SB 34 Worker Misclassification Act; created. (OPPOSE) Prohibits an employer from classifying an individual as an independent contractor if he is an employee. An individual shall be considered an employee of the party which pays that remuneration, for purposes of Titles 40.1 (Labor and Employment), 60.2 (Unemployment Compensation), and 65.2 (Workers' Compensation) unless and until it is shown to the satisfaction of the Department of Labor and Industry that (i) the individual has been and will continue to be free from direction and control of the employer, both under his contract of service and in fact, (ii) the service is outside the usual course of the business of the employer, and (iii) the individual is customarily engaged in an independently established trade, occupation, profession, or business, both under his contract of service and in fact. Discrimination or taking adverse action against any person in retaliation for exercising rights protected under this measure is also prohibited. Violators are subject to criminal penalties, civil penalties, debarment from public contracts, private actions, and stop-work orders. *Patron:* Lucas. 02/01/10 Senate: Continued to 2011 in Commerce and Labor (15-Y 0-N)

SB 76 Salem Highway Construction District Transportation Revenue Fund; established. (SUPPORT)

Provides funds for transportation in the Salem Highway Construction District by allocating revenue attributable to a portion of economic growth due to or facilitated by the Inland Port in Montgomery County. *Patrons:* Reynolds; *Delegate:* Armstrong. 02/16/10 Senate: Left in Finance

SB 101 Public-Private Partnership Advisory Commission; DLS shall provide legal and research services.

Provides that the Division of Legislative Services shall provide legal and research services to the Public-Private Partnership Advisory Commission with technical assistance being provided by the staffs of the House Committee on Appropriations, the Senate Finance Committee, and the Auditor of Public Accounts. The bill also clarifies that responsible public entities required to submit copies of detailed proposals under the Public-Private Education Facilities and Infrastructure Act must submit the copies to the chairman of the Commission. *Patron:* Stosch. 03/09/10 House: VOTE: BLOCK VOTE PASSAGE (97-Y 0-N) 03/10/10 Senate: House amendment agreed to by Senate (40-Y 0-N)

SB 103 Transportation, Chief Executive Officer for; abolishes office of Transportation Commissioner. (OPPOSE)

Abolishes the office of Commonwealth Transportation Commissioner and replaces that position with a Chief Executive Officer for Transportation who takes over the powers, duties, and responsibilities of the Commonwealth Transportation Commissioner, the Director of the Department of Aviation, and the Director of the Department of Rail and Public Transportation. The Virginia Board of Aviation and the Rail Advisory Board are also abolished, and their functions transferred to the Commonwealth Transportation Board. The composition of the Commonwealth Transportation Board is changed to remove the Secretary of Transportation, the Commonwealth Transportation Commissioner, and the Director of the Department of Rail and Public Transportation, and to provide for election of the at-large members of the Board by the General Assembly. *Patrons:* McDougle and Martin. 02/04/10 Senate: Continued to 2011 in Transportation (15-Y 0-N)

SB 114 Motor fuels tax; rate increase or decrease each year using fuel efficiency index. (SUPPORT)

Increases or decreases each year the rates of Virginia's fuels taxes using a fuel efficiency index. The bill would define the fuel efficiency index as the quotient that is obtained when using as the numerator the total annual vehicle miles traveled in the Commonwealth for the relevant year and using as the denominator the total gallons of motor fuel consumed for highway use in the Commonwealth for the relevant year. The numerator and denominator would be the corresponding amounts as published by the Federal Highway Administration of the United States Department of Transportation. The bill would establish 2007 as the base year for the fuel efficiency index. Thus, the percentage change in the fuel efficiency index between the current year and 2007, the base year, would determine the annual percentage increase or decrease in the rates of Virginia's fuels taxes. Each December the Commissioner of the Department of Motor Vehicles would compute the adjusted rates of fuels taxes. Currently, Virginia's fuels taxes are fixed at the rate of \$0.175 per gallon for each gallon of gasoline, gasohol, and diesel fuel. *Patron:* Petersen. 02/16/10 Senate: Left in Finance

SB 128 Air Pollution Control Board; regulations under Clean Air Interstate Rule.

Retains the authority of the Air Pollution Control Board to provide for participation in the EPA-administered cap and trade system for NOx and SO2 to the fullest extent permitted by federal law, but prohibits the Board from requiring that electric generating facilities located in a nonattainment area meet NOx and SO2 compliance obligations without the purchase of allowances from in-state or out-of-state facilities unless such nonattainment area was designated as such prior to January 1, 2010. This bill is identical to HB 1300. *Patrons:* McDougle, Blevins, Hanger, Obenshain, Puckett, Reynolds, Ruff, Stuart and Watkins. 02/15/10 Senate: Passed Senate (38-Y 2-N) 02/26/10 House: VOTE: --- PASSAGE (50-Y 46-N)

SB 132 Retail Sales and Use Tax; increases distribution to Transportation Trust Fund. (SUPPORT)

Increases the distribution to the Transportation Trust Fund from the sales and use tax revenue generated by a one-half percent sales and use tax to the sales and use tax revenue generated by a one percent sales and use tax upon the Comptroller determining in any fiscal year that (i) the growth in general fund revenues for

the most recently completed fiscal year was at least three percent, and (ii) the actual dollar increase in general fund revenues for the most recently completed fiscal year was at least equal to the sales and use tax revenue generated by a one-half percent sales and use tax. *Patron:* Obenshain. 02/16/10 Senate: Left in Finance

SB 164 Transportation; source of revenue by increase of motor vehicle sales and use tax.

(SUPPORT) Creates additional sources of revenue for transportation by increasing the motor vehicle sales and use tax by one-half percent and the motor vehicle rental tax by one percent, and by imposing a five percent tax on the wholesale price of gasoline. The new revenue sources will be directed to the Rail Enhancement Fund, the Transportation Trust Fund, the Highway Maintenance and Operating Fund for transportation projects and needs of the Commonwealth, and certain priority transportation projects, as designated by the Commonwealth Transportation Board, in Northern Virginia and Hampton Roads. The bill would also eliminate the one-half percent sales tax on food currently going to the Transportation Trust Fund, and would raise the allowed credit for low-income taxpayers. *Patron:* Edwards. 02/16/10 Senate: Left in Finance

SB 181 Public-Private Acts of 1995 and 2002; certain grant agreements. (SUPPORT) Authorizes state agencies and state authorities, upon the approval of the Governor, to enter into agreements with private entities under the Public-Private Transportation Act of 1995 and the Public-Private Education Facilities and Infrastructure Act of 2002 for the development of a project by the private entity, which agreements provide for the private entity to be paid grants from a portion of the growth in state taxes and fees attributable to the development of the project. The bill also would allow local governments, agencies, and authorities, upon the approval of the governing body of the locality, to join in the agreement entered into between the private entity and the state agency or state authority. *Patrons:* Stosch, Blevins, Hanger, Martin, McDougle, McWaters, Newman, Obenshain, Quayle, Ruff, Stuart, Vogel, Wagner, Wampler and Watkins. 02/11/10 Senate: Failed to report (defeated) in Finance (6-Y 8-N)

SB 184 MEI Project Approval Commission; shall review financing for individual incentive packages, etc. Expands the scope of incentive packages to be reviewed by the MEI Project Approval Commission by eliminating the limitation that the Commission may only review incentive packages for MEI projects that are proposed to be funded by bonds of the Virginia Public Building Authority and by providing for the Commission to review incentive packages for which (i) one or more of the incentives in the incentive package is not authorized under current law or (ii) an amendment by the General Assembly is being sought to one or more currently existing incentives included as part of the incentive package. A Major Employment and Investment project is defined under current law as a regional economic development project in which a private entity is expected to make a capital investment exceeding \$250 million in the Commonwealth and to create more than 400 new full-time jobs. As part of its review, the Commission may endorse certain incentive packages for MEI projects for approval by the General Assembly. *Patron:* Colgan. 03/05/10 House: VOTE: BLOCK VOTE PASSAGE (99-Y 0-N) 03/09/10 Senate: House substitute agreed to by Senate (40-Y 0-N)

SB 201 JLARC; shall administer an operational/programmatic performance audit on transportation programs. Requires the Joint Legislative Audit and Review Commission to administer an operational and performance audit of transportation programs. The Joint Legislative Audit and Review Commission must issue a request for proposals, upon approval by the Chairman of the Joint Commission on Transportation Accountability, to initiate the procurement process for a management consulting firm to conduct a performance audit of the Commonwealth's transportation programs. *Patron:* Blevins. 03/09/10 House: VOTE: BLOCK VOTE PASSAGE (97-Y 0-N) 03/10/10 Senate: House substitute agreed to by Senate (40-Y 0-N)

SB 212 Overload and overweight permits; Transportation Board, et al. to establish new schedule of fees. (OPPOSE) Requires the Commonwealth Transportation Board, in consultation with the Commissioner of the Department of Motor Vehicles, to establish a new schedule of fees for issuance of overweight and overload vehicle permits. Such fees shall not apply to all vehicles hauling cargoes subject to a coal or gas severance tax. *Patron:* Barker. 02/04/10 Senate: Subject matter referred by letter to the Joint Commission on Transportation Accountability

SB 223 Motor fuels tax; converts rates of taxation from cents per gallon to percentage rates. (OPPOSE) Replaces the current fuels tax on gasoline, gasohol, and diesel fuel with a tax that is a percentage of the wholesale price of a gallon of self-serve unleaded regular gasoline. The percentage shall be established by the Commissioner by determining the percentage that would most closely yield seventeen and one-half cents per gallon, based on the average wholesale price of a gallon of self-serve unleaded regular gasoline for the period beginning October 1, 2009, and ending March 31, 2010. *Patron:* Barker. 02/16/10 Senate: Left in Finance

SB 225 Public Procurement Act; verification of legal presence for employment in U.S. (OPPOSE) Requires all public contractors and their subcontractors to register and participate in a federal Electronic Work Verification Program or similar electronic verification of work authorization program to determine that their employees and individual independent contractors are legally eligible for employment in the United States. Contractors and subcontractors are required to verify the employment status of their employees and independent contractors, and are prohibited from employing or contracting with an individual who is not determined to be legally eligible for employment in the United States as determined through the verification of the individual's status. Contractors who do not register and participate in the registration program are ineligible for prequalification. *Patron:* Barker. 02/17/10 Senate: Left in Commerce and Labor

SB 254 Commonwealth Transportation Commissioner; advertising for bids. Provides that the Commonwealth Transportation Commissioner may let projects costing below \$300,000 to contract. The bill further provides that the Commissioner may, at his discretion, build or maintain any of the roads by state or local employees as he may designate, in cases of emergency or on projects costing not more than \$600,000. This bill is the same as HB 631 (E. T. Scott). *Patron:* Miller, Y.B. 03/08/10 Governor: Approved by Governor-Chapter 50 (effective 7/1/10)

SB 255 Commonwealth Transportation Board; rules and regulations. Provides that any rules and regulations promulgated by the Commonwealth Transportation Board shall be developed in accordance with the Administrative Process Act. This bill is the same as HB 418. *Patron:* Miller, Y.B. 03/08/10 Governor: Approved by Governor-Chapter 51 (effective 7/1/10)

SB 261 Weights and measures; moneys collected from imposition of fees shall be deposited into Fund. Imposes a fee of one-tenth of one cent on fuels subject to Virginia's fuels taxes with the proceeds to be used solely to test petroleum dispensing pumps. *Patron:* Whipple. 03/01/10 House: Subcommittee App. sub: Economic Development, Agriculture and Natural Resources recommends laying on the table

SB 285 Unpaved secondary road fund; use of proceeds. Provides that in any year in which the Commonwealth Transportation Board has not allocated funding for nonsurface treated secondary roads, no penalty will be applied to transfers of funding from unpaved roads to other secondary road projects. *Patron:* Deeds. 02/23/10 House: Tabled in Transportation (11-Y 10-N)

SB 318 Subdivision ordinance; dedication of public improvements. Expands the manner by which a developer may provide financial assurances to a locality prior to a locality accepting the dedication of public improvements. *Patron:* Ruff. 03/11/10 Governor: Approved by Governor-Chapter 149 (effective 7/1/10)

SB 343 Fuels taxes; annually adjusted. (SUPPORT) Adjusts fuels taxes each year on April 1 by the percentage increase in the Corporate Average Fuel Economy (sales volume weighted), Total Fleet (the CAFE) for the immediately preceding calendar year over the CAFE for calendar year 2009. The first adjustment would occur on April 1, 2011. *Patrons:* Hanger and Petersen. 03/01/10 House: Continued to 2011 in Finance

SB 351 Transportation programs; performance audit by Secretary of Transportation, report. Requires the Secretary of Transportation to arrange for a performance audit of the Commonwealth's transportation programs. *Patrons:* Obenshain; Delegates: Bell, Richard P. and Cole. □02/12/10 Senate: Passed by indefinitely in Rules (16-Y 1-N)

SB 365 HOT lane construction contracts; requirements for minimum average speed for vehicles using facility. Requires that HOT lane construction contracts contain requirements for minimum average speed for vehicles using the facility. *Patrons:* Barker; Delegate: Anderson. 02/04/10 Senate: Passed by indefinitely in Transportation (15-Y 0-N)

SB 371 Route 711; Buchanan County may enter into an agreement with Pike County, Kentucky to improve. (SUPPORT) Provides that Buchanan County may enter into an agreement with Pike County, Kentucky, to improve Route 711. This bill is identical to HB 848. *Patron:* Puckett. 02/09/10 Senate: Read third time and passed Senate (40-Y 0-N) 02/26/10 House: VOTE: BLOCK VOTE PASSAGE (96-Y 0-N)

SB 377 Workplace Fraud Act; established. (OPPOSE) Establishes penalties for employers providing construction services that wrongly classify their employees as independent contractors. The measure authorizes the Commissioner of Labor and Industry to initiate an investigation under specified circumstances to determine whether specified violations occurred, requires the Commissioner to enforce specified provisions by issuing citations, and establishes the method of determining whether an employer-employee relationship exists for purposes of proper classification under specified circumstances. The measure imposes civil penalties on employers who violate its provisions. *Patron:* Puckett. 02/01/10 Senate: Continued to 2011 in Commerce and Labor (15-Y 0-N)

SB 378 Historically Underutilized Business Zones (HUB Zones); established. (OPPOSE) Requires the Department of General Services, in conjunction with the Department of Minority Business Enterprise, to develop a program that insures that at least 15 percent of state procurement contracts are awarded to small, women-owned, and minority-owned businesses located in historically underutilized business zones (HUB Zones). The bill defines HUB Zone. *Patron:* Puckett. 02/10/10 Senate: Incorporated by General Laws and Technology (SB658-Ruff) (14-Y 0-N)

SB 401 Local government; use of county tax revenue for secondary road improvements. (OPPOSE) Provides that Fairfax County may by ordinance for any fiscal year choose to retain its portion of the retail sales and use tax that is otherwise remitted to the Commonwealth for transportation purposes. The director of finance shall have such funds held in escrow by the county for purposes of secondary road improvements. *Patron:* Petersen. 02/09/10 Senate: Continued to 2011 in Local Government (14-Y 0-N)

SB 418 Infrastructure in Urban Development Areas Loan Fund; created. (SUPPORT) Creates the Virginia Infrastructure in Urban Development Areas Loan Fund. The Fund would be administered by the Virginia Resources Authority. Money in the Fund would be used exclusively for the financing of road, small water facility, and wastewater treatment facility projects located or to be located within an urban development area in the Commonwealth and undertaken by a local government. Priority for loans would be given to projects that will serve two or more local governments to encourage regional cooperation. *Patron:* Vogel. 02/09/10 Senate: Continued to 2011 in Local Government (15-Y 0-N)

SB 443 Alcoholic beverage control; privatization of ABC stores. Provides for the auction of "package store" licenses to authorize the retail sale of alcoholic beverages for off-premises consumption. The bill also requires the ABC Board to sell or transfer all interest in real property utilized in the wholesale and retail sale of alcoholic beverages. The bill requires the ABC Board to set a fixed number of licenses for all localities, which shall be at a minimum one license for each locality of the Commonwealth and shall not exceed one license per 10,000 residents of the locality. The initial issuance of licenses by the Board would be through regional auctions beginning July 1, 2011, which may also be conducted through the Department's publicly accessible website. The annual state license tax on package store licenses would be the initial purchase price at auction plus an annual inflation adjustment based on the Consumer Price Index. The tax levied on spirits sold in package stores would be 25 percent of the price charged. This bill contains numerous technical amendments. *Patron:* Obenshain. 02/16/10 Senate: Left in Finance

SB 506 Political contributions; prohibition during procurement process. (OPPOSE) Provides that neither the Governor, his political action committee, nor any pertinent Secretaries shall knowingly solicit or accept a contribution, gift, or other item with a value greater than \$50 from any bidder, offeror, or private entity who has submitted a bid or proposal pursuant to the Virginia Public Procurement Act, the Public-Private Transportation Act, or the Public-Private Education Facilities and Infrastructure Act during the bidding period. The restrictions only apply if the stated or expected value of the contract is \$5 million or more and do not apply to contracts awarded as the result of competitive sealed bidding. Furthermore, no bidder, offeror, or private entity who has submitted a bid or proposal under such acts shall offer or promise to make such a gift to the Governor, his political action committee, or any of his pertinent Secretaries. Any violation shall be a civil penalty of \$500 or up to two times the amount of the contribution or gift, whichever is greater. *Patron:* Smith. 03/10/10 House: VOTE: --- PASSAGE (97-Y 0-N) □ 03/11/10 Senate: House substitute agreed to by Senate (34-Y 6-N)

SB 513 Racing Commission; distribution of allocations from live and simulcast horse racing. (SUPPORT) Authorizes wagering on historical horse racing. The bill also allocates the proceeds from such racing with forty-two percent of the proceeds distributed to the Commonwealth Transportation Trust Fund and the remaining fifty-eight percent distributed to other entities. In addition, the bill (i) requires the existing race track to provide gambling educational programs including information on the availability of gambling addiction counseling and (ii) requires the promulgation of emergency regulations. *Patrons:* Norment and Herring. 03/14/10 House: Left in General Laws

SB 541 Transportation Capital Projects Revenue Bonds; used for new road or highway construction projects. (SUPPORT) Provides that at least 50 percent of the proceeds of Commonwealth of Virginia Transportation Capital Projects Revenue Bonds would be used for new road or highway construction projects. The bill defines a new road or highway construction project as the construction of, enhancement of, or addition to a road or highway (or a portion or segment of a road or highway), which construction, enhancement, or addition did not commence prior to January 1, 2010. Commonwealth of Virginia Transportation Capital Projects Revenue Bonds were authorized for issuance in 2007 pursuant to House Bill No. 3202. *Patrons:* Newman, Martin, McWaters, Vogel and Wagner. 02/16/10 Senate: Left in Finance

SB 543 Income tax, state; imposes surtax on taxable income to provide new source of revenue for localities. Imposes a state individual income tax surtax to provide a new source of revenue for localities to encourage them to essentially remove the tangible personal property tax on vehicles that currently qualify under the car tax relief program. The surtax on Virginia taxable income would be imposed at the rate of 0.5% for tax year 2010 and at the rate of 1% for subsequent tax years. Revenues from the surtax would be dedicated to a new Virginia Personal Property Tax Replacement Fund ("Fund"). For tax year 2010, the car tax relief program would operate as under current law, except that annual \$950 million to localities would be paid from the Fund. For tax years 2011 and thereafter, localities that impose a personal property tax rate on qualifying vehicles not exceeding \$0.000001 per \$100 of assessed value would receive all of the net revenues from the surtax. Allocations to each such locality would be based upon its pro rata share of the personal property tax relief paid in tax year 2009. In addition, localities that have tax rates not exceeding

\$0.000001 for tax year 2011 would receive an additional payment for tax year 2010 that represents the remaining net revenues from the new surtax after the payment of the \$950 million state personal property tax relief payment. *Patron:* Colgan. 02/16/10 Senate: Left in Finance

SB 545 Income tax laws; conformity to Internal Revenue Code. Advances the date as of which Virginia's system of taxation conforms with the Internal Revenue Code (IRC) from December 31, 2008, to December 31, 2009, and adds two new exceptions: the deferral of certain income under § 108 (i) of the IRC for taxable year 2009 is only allowed ratably through taxable year 2011 and the deferral is not allowed for taxable years other than 2009, and deconformity from the original issue discount on applicable high yield discount obligations under IRC § 163 (3)(5)(f). Taxpayers are preparing and filing returns during the General Assembly Session, therefore, the bill contains an emergency clause. *Patron:* Colgan. 03/14/10 House: Left in Appropriations □

SB 551 Rezoning actions, local; provides for more limited review by VDOT. Provides for more limited review by VDOT when a property being considered for rezoning has already been subject to a VDOT review in connection with development of a local comprehensive plan. *Patrons:* Barker, Colgan and Puller. 02/16/10 Senate: Continued to 2011 in Local Government

SB 559 Mineral mining; increases license fee. (SUPPORT) Increases the license fee for a mineral mine license from \$180 to \$450 and the license fee for any person engaged in mining sand or gravel on an area of five acres or less from \$48 to \$120. *Patron:* Puckett. 03/14/10 House: Left in Appropriations

SB 561 Coal mine safety; requirements for surface foreman certification. Makes several changes to the Coal Mine Safety Act. Surface foremen must take, at minimum, a 24-hour course of instruction in advanced first aid taught by a certified advanced first aid instructor and pass an examination approved by the Board of Coal Mining Examiners. Mine operators are required to review the substance abuse screening program with all miners at the time of employment and annually thereafter. Rules for the design and marking of dumping stations and the placement of explosives are changed in certain instances. This bill is identical to HB 1185. *Patron:* Puckett. 02/26/10 House: VOTE: BLOCK VOTE PASSAGE (96-Y 0-N) □ 03/02/10 Senate: House amendments agreed to by Senate (40-Y 0-N)

SB 600 Transportation Trust Fund; increases amount of general fund surplus. (SUPPORT) Increases from two-thirds to 75 percent the amount of the general fund surplus designated to the Transportation Trust Fund within the Comptroller's annual report following the close of each fiscal year. The governor would include in his budget bill an amount for deposit into the Transportation Trust Fund equivalent to the amount designated by the Comptroller. *Patrons:* Wagner, Blevins, Martin, McWaters, Smith and Vogel. 02/02/10 Senate: Failed to report (defeated) in Finance (6-Y 9-N)

SB 601 Offshore drilling; royalties to be deposited in Transportation Trust Fund, etc. (SUPPORT) Requires that at least 80 percent of any revenues and royalties paid to the Commonwealth as a result of offshore natural gas and oil drilling shall be deposited to the Transportation Trust Fund. *Patrons:* Wagner, Blevins, Hurt, Martin, McDougle, Newman, Ruff, Smith, Stosch and Vogel. 02/10/10 Senate: Continued to 2011 in Finance

SB 607 Comptroller; changes description in annual report of allocation of surplus general funds. Changes the description in the Comptroller's annual report of the allocation of certain surplus general fund balances for nonrecurring expenditures, and for the Transportation Trust Fund, from "designates" to "assigns." The bill also changes the description of such surplus funds from fund balance not otherwise "reserved or designated," to fund balance not otherwise "restricted, committed, or assigned." *Patron:* Stosch. 02/02/10 Senate: Read third time and passed Senate (40-Y 0-N) □ □ 03/08/10 House: VOTE: BLOCK VOTE PASSAGE (98-Y 0-N)

SB 634 Commonwealth Transportation Board (CTB); composition. Changes the composition of the CTB: one will be appointed from each of Virginia's 11 Congressional Districts (as they were on January 1, 2010, four more will be at-large appointees: one representing seaports, one representing aviation, one representing railroads, and one representing mass transit; the three ex-officio members remain unchanged. *Patron:* Marsden. 02/04/10 Senate: Subject matter referred by letter to the Joint Commission on Transportation Accountability

SB 655 Racing Commission; allocations from simulcast horse racing. (SUPPORT) Authorizes wagering on historical horse racing. The bill also allocates the proceeds from such racing with 35 and one-half percent of the proceeds distributed to the Commonwealth Transportation Trust Fund and the remaining 64 and one-half percent distributed to other entities. In addition, the bill requires (i) the existing racetrack to provide gambling educational programs including information on the availability of gambling addiction counseling and (ii) the promulgation of emergency regulations. *Patron:* Herring. 02/10/10 Senate: Incorporated by General Laws and Technology (SB513-Norment) (10-Y 4-N)

SB 658 Historically underutilized business zones (HUB zones); established. Requires the Department of General Services and the Virginia Information Technologies Agency to develop procurement regulations for the utilization of small businesses located in historically underutilized business zones (HUB zones). The bill also authorizes public bodies to establish programs to facilitate the participation of small businesses in HUB zones. Such programs must be in writing and comply with any enhancement or remedial measures authorized by the Governor in the case of state agencies or the chief executive of a local governing body in the case of local agencies. *Patrons:* Ruff, Blevins, Hanger, Hurt, Martin, McDougle and Puckett. 03/08/10 House: App. sub: Technology Oversight and Government Activities recommends laying on the table □

SB 677 Stormwater management regulations; extends effective date that establishes local program criteria. Delays the effective date of stormwater regulations establishing local program criteria and delegation procedures and the water quality and water quantity criteria until July 1, 2011. The bill also requires the Department of Conservation and Recreation, in consultation with the Department of Environmental Quality, to determine the effect the total maximum daily load (TMDL) allocation for the Chesapeake Bay may have on these regulations. If the agency finds that the TMDL implementation plan approved by the Environmental Protection Agency requires a change in the criteria, the Virginia Soil and Water Conservation Board is to adopt a new regulation that is consistent with the source allocations made in the approved TMDL plan. *Patron:* Hanger. 02/01/10 Senate: Incorporated by Agriculture, Conservation and Natural Resources (SB395-Wagner) (15-Y 0-N)

SB 681 Stormwater management regulations; extends effective date that establishes local program criteria. Delays the effective date of regulation that establishes local program criteria and delegation procedures and the water quality and water quantity criteria for stormwater to no later than September 1, 2011. The bill also requires the Virginia Soil and Water Conservation Board to conform the regulation to be consistent with this effective date. *Patrons:* Whipple and Reynolds. 02/01/10 Senate: Incorporated by Agriculture, Conservation and Natural Resources (SB395-Wagner) (15-Y 0-N)

SB 684 Transportation; provides new and increased taxes, tolls, etc., & general fund revenues for funding. (SUPPORT) Provides new and increased taxes, tolls, royalties from offshore natural gas and oil drilling, and general fund revenues for transportation funding. The bill would (i) decrease the motor fuels tax from \$0.175 per gallon to \$0.05 per gallon and establish a five percent tax on motor fuels sales based upon the statewide average wholesale price of a gallon of self-serve unleaded regular gasoline; (ii) subject to the amount of the additional revenues generated by the changes described in clause (i), increase the motor fuels tax rate by \$0.10 per gallon in increments of \$0.02 per gallon each year over a the five-year period beginning in 2011; (iii) beginning in 2011 increase the motor vehicle sales and use tax by 0.50 percent each year for four years; (iv) provide that of the retail sales and use tax revenues generated by the Commonwealth's four percent tax on sales of automobile parts and automobile accessories, an amount equivalent to the revenues generated by a three percent retail sales and use tax on such parts and

accessories would be deposited into the Highway Maintenance and Operating Fund; (v) subject to receipt of federal authorization, authorize the Commonwealth Transportation Board to impose and collect a toll of \$1 per axle on every vehicle entering the Commonwealth from the state of North Carolina via Interstate Route 85 and Interstate Route 95; (vi) dedicate for highway maintenance purposes 10 percent of the future growth in certain state taxes that is attributable to economic activity generated or facilitated by the public and private general cargo marine terminals and inland ports of the Commonwealth; and (vii) dedicate for transportation purposes all royalties paid to the Commonwealth as a result of offshore natural gas and oil drilling. All amounts generated under the bill would be deposited into the Highway Maintenance and Operating Fund to be used for highway maintenance except the revenues from tolls on vehicles entering the Commonwealth from North Carolina and the revenues from royalties as a result of offshore drilling, which would be deposited into the Transportation Trust Fund. *Patron:* Miller, J.C. 02/16/10 Senate: Left in Finance

SB 691 Minority Business Enterprise, Department of; enhancement measures for small, etc., businesses. (SUPPORT) Requires state contracts awarded pursuant to enhancement or remedial measures implemented to enhance participation by small, women-owned, and minority-owned businesses to include a requirement that no more than 60 percent of the work be subcontracted to another contractor except under certain circumstances. The bill authorizes the Department of Minority Business Enterprise to investigate complaints that the business has violated the contract provision and authorizes the Director to revoke the business's certification as a small, women-owned, or minority-owned business for a period of one year upon determination that the contract provision has been violated. The bill also provides that any enhancement or remedial measure require the state agency to solicit bids from all qualified vendors and not be limited to bids submitted by small, women-owned, and minority-owned businesses. Under the bill, any enhancement or remedial measure cannot exceed three percent of the total value of all vendor contracts calculated against the costs of accepting the lowest competent and qualifying bids. *Patron:* Obenshain. 02/16/10 Senate: Left in Finance

SB 693 Major business facility job tax credit. Reduces the threshold amount of jobs that must be created for the major business facility job tax credit to 25 jobs, regardless of the area in which the business is located. Increases the tax credit from \$1,000 to \$10,000, to be taken over 5 years. This bill also makes a technical amendment to § 2.2-4309 of the Code of Virginia. *Patrons:* McWaters, Hurt, McDougle, Norment, Vogel, Wagner and Wampler. 02/03/10 Senate: Incorporated by Finance (SB472-Watkins)

SB 694 Budget bill; Governor to provide for additional appropriations to Transportation Trust Fund. (SUPPORT) Authorizes the Governor, in submitting his biennial budget bill, to provide for additional appropriations to the Transportation Trust Fund from general fund revenues in cases in which general fund revenues for a fiscal year are projected to grow by at least three percent. Any such additional appropriation to the Transportation Trust Fund recommended by the Governor would be required to be in an amount not less than one percent of the projected growth in general fund revenues for the fiscal year. *Patrons:* McWaters, Blevins, Martin, McDougle, Newman, Norment, Smith, Vogel and Wagner. 02/09/10 Senate: Failed to report (defeated) in Finance (6-Y 9-N)

SB 695 Public Procurement Act; cooperative procurement. Provides that in cases where the cooperative procurement agreement involves construction, the public body awarding the contract must comply with the provisions of the Public-Private Education Facilities and Infrastructure Act of 2002 requiring posting, public notice and access to certain procurement records. *Patrons:* McWaters and Wagner. 02/10/10 Senate: Failed to report (defeated) in General Laws and Technology (6-Y 8-N 1-A)

SB 703 Public Procurement Act; preference for construction contractors hiring local residents. Authorizes a locality to develop and implement a bidding system providing a preference to construction contractors that hire residents of the locality or the Commonwealth. *Patron:* Marsden. 02/03/10 Senate: Continued to 2011 in General Laws and Technology (15-Y 0-N)

SB 714 Estate tax; reinstates federal credit amount. Reinstates the federal credit amount so that the Commonwealth will receive payments from those estates of persons dying on or after July 1, 2010. No estate tax would be imposed on estates valued at \$5 million or less, working farms, and closely held businesses. The revenues from the estate tax would be used, as provided in the general appropriation act, to fund community-based programs of area agencies on aging, increase Medicaid reimbursement rates for hospitals or nursing homes that serve indigent seniors, and fund the cost of existing or additional waivers from the U.S. Department of Health and Human Services to authorize the Commonwealth to cover certain health care services and delivery systems for senior citizens as may be permitted by Title XIX of the Social Security Act. *Patron:* Petersen. 02/16/10 Senate: Left in Finance

SB 717 Regional VDOT construction accounts; established. Provides for the establishment of regional accounts to be used by the Commonwealth Transportation Board for allocation of funds for specific transportation projects within the region wherein the revenue is generated. This system of allocation is to be in addition to and not a replacement for other transportation construction fund allocation formulas. *Patron:* Petersen. 02/16/10 Senate: Left in Finance

SJ 94 Motor fuels tax; Virginia Transportation Research Council to study desirability, etc., of replacing. (SUPPORT) Requests the Virginia Transportation Research Council to study the desirability and feasibility of replacing the state motor fuel tax with a mileage-based fee predicated on vehicle-miles traveled in Virginia. *Patron:* Miller, J.C. 03/14/10 House: Left in Rules

SJ 99 Interstate safety rest areas; Virginia Transportation Research Council to study public funding. Requests the Virginia Transportation Research Council to study alternatives to the public funding and operation of all or portions of the Commonwealth's interstate safety rest areas. *Patron:* Herring. 02/16/10 Senate: Agreed to by Senate by voice vote 03/09/10 House: VOTE: --- ADOPTION (97-Y 0-N)

SJ 100 Constitutional amendment; Transportation Funds (first reference). (SUPPORT) Requires the General Assembly to maintain permanent and separate Transportation Funds to include the Commonwealth Transportation Fund, Transportation Trust Fund, Highway Maintenance and Operating Fund, Priority Transportation Fund, and other funds established by general law for transportation. All revenues dedicated to Transportation Funds on January 1, 2013, by general law, other than a general appropriation law, shall be deposited to the Funds, unless the General Assembly by general law, other than a general appropriation law, alters the revenues dedicated to the Funds. The amendment limits the use of Fund moneys to transportation and related purposes. The General Assembly may borrow from the Funds for other purposes only by a vote of two-thirds plus one of the members voting in each house, and the loan must be repaid with reasonable interest within four years. *Patron:* Newman. 01/19/10 Senate: Continued to 2011 in Privileges and Elections (15-Y 0-N)

SJ 137 Constitutional amendment; Transportation Funds (first reference). Requires the General Assembly to maintain permanent and separate Transportation Funds to include the Commonwealth Transportation Fund, Transportation Trust Fund, Highway Maintenance and Operating Fund, and Priority Transportation Fund. All revenues dedicated to Transportation Funds on January 1, 2011, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds, unless the General Assembly by general law, other than a general appropriation law, alters the revenues dedicated to the Funds. The amendment requires Funds be appropriated only for transportation systems and projects. The General Assembly may borrow from the Funds for other purposes only by a vote of two-thirds plus one of the members voting in each house, and the loan or reduction must be repaid with reasonable interest within three years. The amendment also limits the use of general and other nontransportation funds for transportation purposes except for certain debt service payments. *Patron:* Norment. 02/02/10 Senate: Continued to 2011 in Privileges and Elections (10-Y 0-N)