

VTCA Legislation as of January 26, 2010

HB 25 Greenhouse gas emissions: Requires that the Statewide Transportation Plan include quantifiable measures and achievable goals for greenhouse gas emissions. *Patron:* Herring

HB 37 Overload and overweight permits: Revises the fees for vehicle overload and overweight permits to conform to recommendations of the Virginia Transportation Research Council. *Patron:* Marshall, R.G.

HB 42 Transportation programs; performance audit by Auditor of Public Accounts: Requires the Auditor of Public Accounts to perform a performance audit of the Commonwealth's transportation programs. *Patron:* Oder

HB 155 Stormwater management programs: 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. *Patron:* Dance

HB 222 Secondary highway system: Requires the Secretary of Transportation to develop new secondary system design standards to be used in urban areas. *Patrons:* Watts, Bulova, Herring, Keam, Kory, Plum, Scott, J.M., Sickles and Surovell; *Senators:* Barker, Howell, Petersen and Ticer

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

HB 230 Motor fuels tax rate increase: 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

HB 250 Contractors: Raises the threshold for which a person must have a Class C contractors 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.

HB 269 Retail Sales and Use Tax: Increases the rate of the state sales tax on motor fuels in Northern Virginia from 2.1 percent to 4.2 percent. *Patron:* Englin

HB 276 Highway maintenance funds: Requires the CTB, when allocating funds for highway maintenance, to do so on the basis of achieving a minimal level of disparity among highway construction districts in meeting asset performance standards. *Patrons:* Albo and Rust

HB 277 Washington Bypass transportation corridor: Requires the Commonwealth Transportation Board to establish a Washington Bypass transportation corridor. *Patrons:* Albo and Rust

HB 280 Fraud to accomplish vote on union organization: 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. *Patron:* Albo

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.

HB 402 Hampton Roads Bridge-Tunnel: Directs the Virginia Department of Transportation to accept unsolicited proposals to add capacity to the Hampton Roads Bridge-Tunnel. *Patron:* Oder

HB 404 Transportation funding and administration: 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

HB 418 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. *Patron:* Oder

HB 426 Public Procurement Act; cooperative procurement. 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 75 miles in distance from the local public body procuring the construction. The bill provides an exception to the above limitation for contracts for the installation of artificial turf. The bill contains technical amendments. *Patron:* Griffith

HB 473 Weight limits for trucks hauling gravel, etc.: Repeals the July 1, 2010, "sunset" on increased weight limits applicable to trucks hauling gravel and certain other cargoes in coal-producing counties. *Patron:* Carrico

HB 480 Public-Private Transportation Act: 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 consist 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. *Patron:* Carrico

HB 485 State agencies; financial and management review: 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. *Patrons:* Lingamfelter and Anderson

HB 519 Minority Business Enterprise; enhancement measures for small, women-owned, etc.: 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

HB 540 Transportation funding; the Salem Highway Construction District: 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

HB 542 Minority Business Enterprise, includes retired military personnel-owned business: 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.

HB 543 Prisoners; maintenance of highways: Authorizes the use of prisoner labor to maintain the medians or other nontraveled portions of state highways. *Patrons:* Marshall, D.W. and Merricks

HB 584 Highway rest areas and welcome centers: Requires VDOT to reopen closed highway rest areas and residency offices and prohibits closure of highway welcome centers. *Patron:* Landes

HB 615 Virginia Public Procurement Act; small, women, minority, and service disabled veteran-owned businesses: 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

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. *Patron:* Scott, E.T.

HB 665 Transportation Trust Fund; additional appropriations in Governor's Budget Bill: 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. *Patron: May*

HB 666 Commonwealth of Virginia Transportation Capital Projects Revenue Bonds: 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. *Patron: May*

HB 737 E-Verify Program; requires state agencies, public contractors, localities, & employers to enroll: Requires agencies of the Commonwealth, public contractors, localities, and employers with 15 or more employees within the Commonwealth to enroll in the E-Verify Program by December 1, 2010, and to use the Program for each newly hired employee who is to perform work within the Commonwealth. Employers and contractors that fail to do so are subject to suspension or revocation of certain licenses. Licenses will be reinstated when a business establishment enrolls in the Program or, if already enrolled but not using the Program, prepares and implements a compliance plan. *Patron: Albo*

HB 756 Offshore drilling; royalties to be deposited in Transportation Trust Fund: 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: Stolle and Oder*

HB 768 Political contributions; prohibition during procurement process: 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. *Patron: Cleaveland*

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, Comstock, Hugo and Kory*

HB 789 Virginia Public Procurement Act; methods of procurement: Increases from \$1 million to \$10 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. *Patron: Villanueva*

HB 805 Royalties from offshore drilling: 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. *Patron: Poindexter*

HB 818 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.

Patrons: Surovell, Brink, Englin, Herring, Keam, Kory, Scott, J.M. and Watts; *Senators:* Puller and Ticer

HB 831 Virginia Public Procurement Act; foreign business entities: Prohibits a foreign corporation, limited liability company, business trust, limited partnership, or registered limited liability partnership from bidding on, or entering into, amending, or renewing, a contract with a public body under the Virginia Public Procurement Act unless the foreign entity provides a copy of a valid certificate or authority or registration to conduct business in the Commonwealth. Such status shall be maintained during the term of a contract and for five years after its term is completed. 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

HB 900 Offshore drilling; royalties: 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

HB 948 HOT lanes: Requires VDOT to conduct a NEPA study prior to any HOT lane construction on any portion of I-95 or I-395. *Patron:* Englin

HB 969 PPTA; preconditions to certain comprehensive agreements: 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. *Patron:* Englin

HB 970 Designation of annual surplus to the Transportation Trust Fund: 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. *Patron:* Rust

HB 971 Transportation funding and administration: 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 and Watts

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

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

HB 1047 Commonwealth Mass Transit Fund: 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.M.

HB 1059 Bonds for transportation projects: 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.

HB 1061 General obligation bonds for transportation projects: 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.

HB 1068 Overweight vehicle penalties: 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

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

HB 1117 Highway work zones; increases penalty for speeding violation: 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 and Englin

HB 1131 Composition of Commonwealth Transportation Board (CTB); formulas for allocating primary, urban, and secondary 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. *Patron:* Keam

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 holder to pay their permit fees on an annual basis over the term of the permit. *Patrons:* Morgan and Abbitt; Senator: Ticer

HB 1153 Motor fuels tax: 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

HB 1158 Regional VDOT construction accounts: 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:* Oder

HB 1183 Mineral mining; license fees: 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

HB 1223 HOT lanes: 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

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. *Patron:* Ware, R.L.

HB 1241 Metropolitan planning organizations: Provides that any metropolitan planning organization may vote, with the concurrence of 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

HB 1258 Indemnification provisions in construction contracts: 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

HB 1279 Virginia Public Procurement Act; small, women-owned, or minority-owned businesses: 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. *Patron:* McClellan

HB 1309 Transportation Commissioner; procurement of professional services: 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.

HB 1311 Stormwater regulations: 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

HB 1323 Tolls; provided at Monitor Merrimac Memorial Bridge-Tunnel & Hampton Roads Bridge-Tunnel: Provides for tolls at the Monitor Merrimac Memorial Bridge-Tunnel and the Hampton Roads Bridge-Tunnel. *Patron:* May

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

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

HJ 5 Constitutional amendment (first resolution); Transportation Funds: 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. *Patron:* Oder

HJ 61 Study; Commission on Virginia's Transportation Needs: 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

HJ 63 Study; state government efficiency: Establishes a joint subcommittee to review each of the ten organizational secretariats of state government to identify efficiencies and determine specific operational areas where savings may be realized among the agencies within individual secretariat, including identifying (i) monetary savings among agencies within the secretariat, (ii) changes in management practices among agencies within the secretariat, and (iii) specific actions involving elimination, realignment, or consolidation of programs or activities within the secretariat. *Patrons:* Marshall, R.G. and Cole

HJ 67 Constitutional amendment; Transportation Funds (first resolution): 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.

HJ 68 Study; tolling of highways: Directs the Joint Commission on Transportation Accountability to develop a plan to toll certain highways. *Patron:* Rust

HJ 69 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 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

HJ 81 Implementation of Hampton Roads Bridge-Tunnel study recommendations: 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

HJ 86 Constitutional amendment; Transportation Trust Fund (first reference): 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. and Merricks

HJ 96 Commission on Virginia's Transportation Needs: 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

HJ 134 Study; transportation network of Hampton Roads: Extends the Joint Subcommittee to Study the Transportation Network of Hampton Roads for a third year. *Patron:* Jones

SB 34 Worker Misclassification Act: 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

SB 76 Salem Highway Construction District Transportation Revenue Fund: 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

SB 103 Transportation, Chief Executive Officer for; abolishes office of Transportation

Commissioner: 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. *Patron:* McDougle

SB 114 Motor fuels taxes: 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

SB 132 Retail Sales and Use Tax; increases distribution to Transportation Trust Fund: 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

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

SB 181 Public-Private Acts of 1995 and 2002: 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. *Patron:* Stosch

SB 201 Auditor of Public Accounts; performance audit of State's transportation programs: Requires the Auditor of Public Accounts to perform a performance audit of the Commonwealth's transportation programs. *Patron:* Blevins

SB 212 Overload and overweight permits: 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

SB 223 Fuels taxes; percentage of wholesale cost: 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

SB 225 Public Procurement Act; verification of legal presence: 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

SB 254 Commonwealth Transportation Commissioner; advertising for bids; construction: 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. *Patron:* Miller, Y.B.

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. *Patron:* Miller, Y.B.

SB 261 Weights and measures fee: Authorizes the Commissioner of Agriculture and Consumer Services to establish inspection and certification fee of \$17.50 on each weight and measure commercially used in Virginia. *Patron:* Whipple

SB 343 Fuels taxes; annually adjusted: 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. *Patron:* Hanger

SB 351 Transportation programs; performance audit by Secretary of Transportation: Requires the Secretary of Transportation to arrange for a performance audit of the Commonwealth's transportation programs. *Patron:* Obenshain

SB 365 HOT lane construction contracts: Requires that HOT lane construction contracts contain requirements for minimum average speed for vehicles using the facility. *Patrons:* Barker; Delegate: Anderson

SB 371 Improvements to Route 711: Provides that Buchanan County may enter into an agreement with Pike County, Kentucky, to improve Route 711. *Patron:* Puckett

SB 377 Workplace Fraud Act: 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

SB 378 Historically Underutilized Business Zones (HUB Zones); established: 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

SB 401 Local government; use of county tax revenue for secondary road improvements: Provides that Fairfax County (described by optional form of county government) 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

SB 418 Virginia Infrastructure in Urban Development Areas Loan Fund: 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

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

SB 506 Political contributions; prohibition during procurement process: Provides that no bidder or offeror, controlling person of a bidder or offeror, or person acting on behalf of a bidder or offeror, 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. *Patron:* Smith

SB 513 Virginia Racing Commission; simulcast horse racing; allocations: Authorizes wagering on historical horse racing. The bill also allocates the proceeds from such racing with fifty percent of the proceeds distributed to the Commonwealth Transportation Trust Fund and the remaining fifty 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. *Patron:* Norment

SB 541 Transportation Capital Projects Revenue Bonds; used for new road or highway construction projects: 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. *Patron:* Newman

SB 550 Coordination of state and local transportation planning: Provides for coordination of local transportation planning with not only the Virginia Department of Transportation, but the Virginia Department of Rail and Public Transportation as well. *Patrons:* Barker, Colgan and Puller

SB 551 Local rezoning actions: 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

SB 553 Increase transit use strategies: Requires the Secretary of Transportation to make an annual report to the General Assembly on actions taken to promote transit use, etc. *Patrons:* Barker, Colgan and Puller

SB 559 Mineral mining; license fees: 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

SB 596 Architects, Professional Engineers, etc., Board for; establishes emeritus designation for licensees: Establishes an emeritus designation for licensees of the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects who have retired from their practice provided (i) the license has not been revoked or suspended by the Board and (ii) the license holder does not practice or offer to practice architecture, engineering, land surveying, or landscape architecture. *Patron:* Deeds

SB 600 Designation of annual surplus to the Transportation Trust Fund: 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 and Martin

SB 601 Royalties from offshore drilling: 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 and Martin

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

SB 658 Virginia Public Procurement Act; establishment of Historically Underutilized Business Zones: Requires the Department of General Services to develop a program that insures that at least 15 percent of state procurement contracts are awarded to small businesses located in historically underutilized business zones (HUB Zones). The bill defines HUB Zone. *Patron:* Ruff

SB 677 Stormwater regulations: 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

SB 681 Stormwater regulations: 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:* Whipple

SB 684 Transportation funding: 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.

SB 691 Department of Minority Business Enterprise; small, women-owned, and minority-owned businesses: 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

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

SB 694 Transportation Trust Fund: 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

SB 695 Virginia 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

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

SB 717 Regional VDOT construction accounts: 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:* Peterson

SJ 94 Study; replacement of the state motor fuel tax; report: Establishes a joint subcommittee 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.

SJ 99 Study; JLARC; privatizing Commonwealth's rest areas; report: Directs the Joint Legislative Audit and Review Commission to study the privatization of all or portions of the Commonwealth's rest areas. *Patron:* Herring

SJ 100 Constitutional amendment (first resolution); Transportation Funds. 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