

The

READY-MIXER

Virginia Ready-Mixed Concrete Association

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newsletter

February 2006

Introduction to Design DC 2006

by Hessam Nabavi, R.A., Director of Industry Services, Northern Virginia and Duane Laughlin, of Crider & Shockey and 2006 NVCAC Council Chairman

In years past, NVCAC participated in the Home and Garden Show at the Dulles Expo Center in Chantilly, Virginia. However this year, the membership opted to raise the bar and pursue an opportunity that offers the potential for a much larger impact than previous trade shows.

VRMCA and NVCAC will participate in the Design DC Conference and Trade Show, which is the premier event for Northern Virginia and Baltimore/ Washington Metro Area architects, designers, engineers and contractors. Host to nearly 200 exhibitors, Design DC offers architectural industry professionals an arena in which to network as well as earn continuing education credits.

This event will be held at the Ronald Reagan Building that is home to the U.S.

Agency for International Development, Customs and Border Patrol Offices of the Department of Homeland Security and the Woodrow Wilson International Center for Scholars, among others.

In addition to promotional opportunities in the areas of ICF construction, decorative concrete, tilt up and pervious pavement; the show serves to elevate and increase our industry's visibility in the engineering and architectural community.

To complement the trade show booth, the council will sponsor a classroom that allows for a 90-minute lecture period as well as council members to have face-to-face contact with attendees

for discussion and distribution of promotional literature. In 2005, over 1000 construction professionals attended Design DC.

This year AIA DC expects attendance to meet or exceed those numbers. AIA DC will also provide exhibitors with a list of registered attendees, which allows this council to establish a database thus enhancing future communication and measurement.

A lecture by world-renowned architect **Moshe Safdie** will kick-off the event Wednesday night, July 19th. Moreover, forty educational sessions and building tours by project architects are scheduled for Thursday, July 20th and Friday, July 21st.

As with all promotional activities of this degree, much time, effort and commitment will be required



Reagan Building: Close-Up View from 14th Street.



Reagan Building: View from 14th Street.



Reagan Building: Aerial View.

of our membership in order for this event to be a success. Those involved in the initial planning and implementation, we appreciate your efforts and encourage increased participation from others that are members of this council. ♦



Reagan Building at Woodrow Wilson Plaza.

NOTES:

• **VRMCA lobbyists are monitoring legislation currently before the 2006 Virginia General Assembly, which convened January 11th. Please see the legislative update enclosed.**

• **Make sure to watch out for the 2006 VRMCA Spring Convention registration form. Details coming soon!**

• **Also, check out the brochures for NRMCA's "Environmental Professional Certification Course for the RMC Industry" and "CCSP Module IV: Professional Sales Skills Workshop" on VRMCA's website at: www.vrmca.com.**

Insulating Concrete Form Association to Hold April Meeting and Expo in Norfolk

by J. Keith Beazley
Director of Industry Services, Central Virginia and Hampton Roads

The Insulating Concrete Form Association will hold the 2006 Spring Expo on April 24-26 at the Norfolk Waterside. The event will feature new products, construction practices and techniques, new innovations from ICF contractors and distributors throughout the United States. The Expo will demonstrate the latest tools for ICF construction, practical applications for forms, and presentations on the ICF construction industry.

The program will include an "ICF Industry Update" to understand the important events helping shape the ICF industry and an "ICF Market Update" for the understanding where ICF's are being used and get up-to-date information on marketing and support.

Special programs are being designed for a "Overview of Federal Energy Efficient Tax Credits for Contractors" and "Creative Ways to Market ICF Projects." Special exhibit hall events are being planned with the latest information on bridging and scaffolding, waterproofing, cutting and fastenings, termite barriers, foam fabricating services and other products.

The Hampton Roads Advisory Council is building a Habitat for Humanity ICF home as part of the ICFA Expo. This home is sponsored by the ICFA and the local Advisory Council is coordinating the event with the South Hampton Roads Habitat for Humanity chapter.

The building of an ICF Habitat home is a tradition for the ICFA conventions and a house is

sponsored at each of the convention sites. The home for this year will be a part of the Portsmouth community and LOGIX Forms is making a full donation of the forms for the walls of the home. The forms are donated on a rotating basis from member companies.

The house is to be a handicapped -assessable home and will have a concrete slab flooring system. Volunteers from the convention will serve with the local Habitat chapter to build the house the week before the official convention begins.

The Hampton Roads Advisory Council will be working on the house and facilitating the concrete and the pumping of the concrete. A media day is being planned for television and newspapers on Friday with special tours and events. The public will be invited to attend this special event.

Local contractors are welcome to attend the ICF trade show at no charge and this will provide a great opportunity for exposure to ICF construction with the top people in the trade. Ready Mixed sales personnel will also have a great benefit from attending this national event.

This is an opportunity to have a hands-on experience with the actual ICF forms building a house, learn from the national distributors of all brands and types of ICF block, and learn about tools and techniques for construction and all aspects of ICF building. If you would like more information on the building of the Habitat home or the ICFA convention call Keith Beazley, VRMCA (804-347-7003) or e-mail keith@vrmca.com. ❖

Southwest Virginia Council Hosts ACI Testing Class

by Bob Nablo
Director of Industry Services,
Western Region

Two Southwest Virginia Concrete Promotion Council members shared hosting duties for the latest ACI Field Technician Grade 1 class and exam in January.

As in the past, Roanoke Cement generously offered Richard Steele the use of their Daleville Safety Room for classroom instruction, and Chandler Concrete in Roanoke gave us the use of their training room and garage area for the written and practical exams.

This arrangement works particularly well during the unpredictable winter months, giving us an indoor area to perform the hands-on testing. Thanks to Robert Marek of Roanoke Cement and Robert Lindsey of Chandler Concrete for making the necessary arrangements.

Thanks also to the supplemental examiners who volunteered their time to supervise this somewhat large group of students. More than thirty students necessitated extra testing stations and extra examiners. Robert Lindsey, Dave Winn and Chip Scruggs of Chandler, George Kuhn of Marshall Concrete Products, Robert Marek and Larry Necessary of Roanoke Cement, Brian DeChirico of Degussa and Keith Beazley of VRMCA served as examiners. Richard Steele assisted after the written exam was completed, and Bob Nablo arrived later to help.

These ACI certification classes continue to be a major part of the VRMCA education and promotion efforts. As the classes grow larger we will need even more examiners. Please consider gaining certification and join us in this important work. ❖

Upcoming NRMCA Training Programs and Courses

FEB. 27 – MARCH 3

NRMCA Technical Short Course, Dallas, TX
Contact: Nina Stedman nstedman@nrmca.org, 240-485-1162

FEB. 28 – MARCH 1

NRMCA Dispatcher Training Forum, Denver, CO
Contact: Tamara Waugh tvaugh@nrmca.org, 240-485-1166

MARCH 7 - 10

NRMCA Certified Concrete Sales Professional Module IV
RMC Research Foundation Education Center, Silver Spring, MD
Contact: Tamara Waugh tvaugh@nrmca.org, 240-485-1166

MARCH 27 – 29

NRMCA Environmental Certification Course
Courtyard Orlando Lake Buena Vista, Orlando, FL
Contact: Thomas Harman tharman@nrmca.org, 240-485-1155

APRIL 2 – 5

NRMCA Annual Convention
Held in Conjunction with PCA Annual Board Meeting
Hyatt Regency San Antonio on the Riverwalk, San Antonio, TX
Contact: Jennifer Leonard jleonard@nrmca.org, 240-485-1156

MAY 17 – 18

Transportation Construction Coalition Fly-In, Washington, DC
Contact: Kevin Voelte kvoelte@nrmca.org, 240-485-1152

MAY 24 - 25

NRMCA Concrete Technology Forum: Focus on Pervious Concrete, Nashville, TN
Contact: Lionel Lemay llemay@nrmca.org, (847) 918-7101



WHEN DOES THE WORKDAY BEGIN?

By: John G. Kruchko and Paul M. Lusky*

It is sometimes difficult to determine when an employee's workday actually begins. This can be an important determination because, once the workday starts, the Wage and Hour Division will expect you to compensate the employee for all hours actually worked. The workday may be longer than the employee's scheduled shift or the actual time engaged in work site activities or production line duties.

Regulations promulgated by the Secretary of Labor define the "workday" as "the period between the commencement and completion" of an employee's "principle activity or activities." Of course, that still leaves us with the issue of when an employee's "principle activities" actually begin. The Portal to Portal Act of 1947 appeared to settle the issue of when the principal activities of a workday begin when it excluded from Fair Labor Standards Act ("FLSA") coverage time spent by employees walking into or on the employer's premises so they can get to and from the location where their principle activities actually occur. The Portal to Portal Act also excluded "preliminary and postliminary activities" from coverage.

Thus, it became clear that time spent by an employee traveling from his home to the employer's facility or work site was preliminary activity and need not be compensated as part of the work day. Similarly, time spent walking onto or in the employer's premises prior to actually "clocking in" or beginning the principal work activity was also not thought to be compensable time. An exception was made for employees traveling from job site to job site as part of their principal activities - they had to be paid for such travel time because it was part of their work day. The same rule was applied to employees walking from work station to work station within a production facility.

The issue became complicated again when, in 1956, the Supreme Court held that workers at a battery plant had to be paid for time spent putting on special protective clothes because such activities were an "integral and indispensable part of the [employee's] principal activities." *Steiner v. Mitchell*, 350 U.S. 247, 256 (1956). Based on *Steiner*, many courts have held that time spent donning and doffing safety equipment required by their employers must be compensated under the FLSA as part of the workday. Similarly, courts have held that other seemingly "preliminary" activity prior to the start of the workday was compensable time when it was required by the employer and the activity was integral to the performance of the principal work activity. For example, the Supreme Court has held that "knife men" in a meat packing plant who sharpened their knives before their scheduled workday had to be paid for such activities.

In November, 2005, in *IBP Inc. v. Alvarez and Tum v. Barber Foods, Inc.*, the Supreme Court again ruled that workers at a meat packing plant and a poultry plant must be paid for time spent changing into protective clothing and safety gear. The Court went further, however, and ruled that the employers were required to pay the employees for the time it took the employees to walk from the changing area to the production area because

the moment each employee began to put on the first piece of protective equipment marked the beginning of the continuous workday. The Court also said that the "continuous workday" rule required that the employees be paid for the time spent walking from the production area to the changing area at the end of the day as well as any time spent waiting to "doff" their protective clothing at the end of the shift.

The news is not all bad for employers, however. The Court also held that the time spent by the employees waiting in line to pick up their protective gear at the beginning of their shift was not compensable time even though some of the employees complained that they had to arrive fifteen to thirty minutes before their shift in order to be prepared when the shift started. The Court found such waiting time to be a "preliminary activity" excluded from coverage under the FLSA by the Portal to Portal Act.

The *IBP, Inc.* and *Barber Foods* decisions may have implications for employers in other industries who require employees to perform certain preparatory activities prior to the start of their compensable workday. If the preparation is "integral" to the principal activity, it is likely to be compensable. For example, when a janitor is required to set up his cleaning cart prior to the start of his shift, is it compensable time? If an employee is asked to pick up supplies needed by his employer on his way to work, is the travel time between the interim supply stop and the employee's arrival at his employer's facility compensable? If employees are asked to check their email for changes in assignments prior to starting off for work, is such time on the computer compensable time and does it mark the start of the workday for the employee?

Determining when a workday starts or when it ends can also be complicated by an employer's suggestions to employees that are couched in voluntary terms but which are construed as a mandate by the employees. Remember that work activities not specifically requested by the employer but which are permitted or "suffered" to occur are also work time. An employee who comes in early or stays late to complete an assigned task is performing compensable work unless such activity has been expressly forbidden by the employer. Employers may want to review their time clock or timekeeping policies in light of these recent decisions by the Supreme Court. Under the law, the workday may be starting before you think it does.

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John G. Kruchko is a partner with the Management Labor & Employment Law Firm of Kruchko & Fries in McLean, Virginia. Mr. Lusky is also a partner with the firm in the Baltimore, Maryland office. For more information, please contact Mr. Kruchko at: (703) 734-0554 or jkruchko@kruchkoandfries.com. Mr. Lusky can be contacted at (410) 321-7310 or plusky@kruchkoandfries.com. This article is published for general information purposes, and does not constitute legal advice. ❖

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Exciting Architectural Concrete Projects are Continuing!

by **Hessam Nabavi, R.A.**
Director of Industry Services, Northern Virginia

As I have reported in the past two years, we have been working with Arlington County Urban Design Department about the benefits and beauty of *Architectural Concrete with Colors and Patterns*. In an attempt to change its standard sidewalk specification for commercial areas from pre-cast unit pavers to architectural colored concrete.

We have conducted seminars and a field demonstration for engineers, planners and urban designers from Arlington County. This allowed the planners and engineers to experience different techniques, which gave them a better understanding for the entire process.

As a result of this learning process several projects have been recognized in the past year. Among those are, Arlington County's new standard sidewalk on Courthouse Road North, between 14th and 15th Streets. The site is immediately adjacent to the large surface parking lot at Courthouse Plaza.

The next project was at the intersection of Highland and Wilson Blvd at the entrance of the Metro station in Arlington, in the form of "Wagon Wheel." And more recently, VRMCA in collaboration with Arlington County and Lapierre Studio Landscape Architects have been involved with approximately 15,000 SF of Architectural Concrete at the Colonial of Arlington on East Glebe Road, for a private developer. This project consists of sidewalk, entrance to the club house and the area around the pool. Construction of this project was done by Greystone Contractors.



Pool area.

VRMCA presently is working with some local architects on other upcoming architectural concrete projects. I am also happy to report that, the new Arlington County Standard Specification is written and is in for final review. ♦



Walkway from the club house to the pool entrance.



Pool aerial view.



Walkway to the club house entrance.

For safety related links,

please visit the safety committee section
of the VRMCA website:

www.vrmca.com/about/safety.aspx



Upcoming Event in Northern Virginia

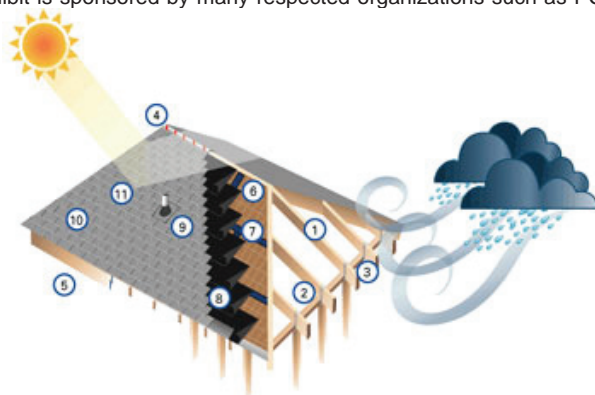
by Hessam Nabavi, R.A.
Director of Industry Services, Northern Virginia

VRMCA and MRMCA are partnering with PCA in **PATH** "The Partnership for Advancing Technology in Housing." This event is scheduled for Tuesday, March 7, 2006 in the Rayburn Building on Capital Hill at 5:30 PM.

PATH is dedicated to accelerating the development and use of technologies that dramatically enhance and improve the quality, durability, energy efficiency and environmental performance of homes (see diagram below). PATH is a voluntary partnership between representatives of Federal Agencies, leaders of homebuilding, manufacturing, insurance and financial industries.

This exhibit is designed to educate the congressmen and officials about technology in housing. They will be taking the stroll down Innovation Street to see how the quality and affordability of American homes are changing for the better.

This educational exhibit is sponsored by many respected organizations such as PCA, among others. ❖



January ACI Certification Held in Warrenton

by J. Keith Beazley
Director of Industry Services,
Central Virginia and Hampton Roads

The spring like weather has been good for the ready-mixed concrete business and was a great benefit for the January ACI Concrete Certification classes held in Warrenton.

The 2006 ACI certification program sponsored by the VRMCA started with the first class of the year at the Cardinal Concrete plant in Fauquier County.

The class was instructed by Richard Steele, retired VDOT Materials Engineer, and served students seeking certification from the Northern Virginia area. Cardinal Concrete has been the host of this event since the classes have been held in Northern Virginia and furnishes the location for the practical exam and the faux concrete for testing.

A number of individuals from our industry volunteered their time and talent to serve as proctors for this event. VRMCA wishes to thank the companies and the individuals for their contribution: Tony Thompson, of Concrete Engineering, David Routt of VDOT, Horace Culpepper of VDOT, John Lark of Crider & Shockey, Darrin Cook of CEI, Ronald Smith of VDOT, Tom Yendall of Titan America and Bob Nablo and Keith Beazley of VRMCA. ❖

VRMCA Board Member Profile: Kenny Rowe

Name?

Kenny Rowe

Company?

Rowe Concrete, LLC

Title?

President

Where is your company located?

We have three locations—each of which are located in King George, Stafford and Spotsylvania. The fourth plant will soon open up in Orange County.

Where is your place of birth/hometown?

I grew up in Montross, Virginia.

What college or university did you attend?

I attended the University of Virginia. I majored in English.

How many years have you been in the industry?

I have been in the industry full-time and part-time for 34 years. I worked part-time as a child, as my parents, Kendall and Phyllis started this company in 1972.

What current project or activity are you working on?

Currently, I am focusing on starting up the new

plant. It should be ready around the early part of June this year.

What is the best thing about living in Spotsylvania?

I like the fact that I can have both the city of Fredericksburg and country of rural Spotsylvania only a few minutes apart.

What is the best part of the job?

The satisfaction of knowing that I was involved with building a company and seeing the final result of some of the projects we have worked on.

What did you do before this job?

This is the only job I have ever had. I have always worked in this industry.

Hobbies?

I enjoy spending time with my family, gun collecting and target shooting.

Favorite Vacation Spot?

It is quickly becoming Hawaii. I have a friend who lives in Honolulu and I really want to go back again. It is an exotic location, yet still in the United States where things are still familiar.

Family?

I have my parents, (2) sisters and (2) brothers-in-law, (2) nieces and (1) nephew.

UVa or Tech?

UVa of course!

Last Book?

Good to Great, by Jim Collins. It is a business book and shows you how to take your company from being

okay to great—and how to keep it great. The book relates to the 'Total Quality Management' project our company is implementing.

What is the perfect day off?

Anything to where I can get away from work and the cell phone does not ring. ❖



Virginia ACI Chapter Presents Harrisonburg Seminar

by Bob Nablo
 Director of Industry Services, Western Region

More than fifty concrete contractors, builders and producers listened to Bill Brooks, Mid-Atlantic Technical Services Manager for Grace Construction Products, speak about the basics of cement, concrete production and proper concrete placement at a Virginia ACI seminar in Harrisonburg last week. Hosted by Rockingham Redi-Mix and co-sponsored by the Blue Ridge Advisory Council, the dinner/seminar proved once again to be a popular event.



Buddy Murtaugh, Bill Brooks and Chuck Starnes at ACI seminar.

Buddy Murtaugh and the Rockingham Redi-Mix staff performed most of the planning for the event, and made most of the phone calls inviting interested industry workers. Murtaugh welcomed the attendees, explained briefly the organization and mission of the Blue Ridge Council, and introduced Chuck Starnes, president of Virginia ACI.

Starnes described the function of Virginia ACI and introduced the speaker. Bill Brooks has many years of experience in construction and concrete, and was able to speak clearly and thoroughly about the proper placement of concrete as well as answer questions about problems that occur. The audience was attentive and interested.

The Blue Ridge Council would like to see this dinner/seminar once again be the dominating annual event of the winter season and will work toward that goal for 2006-07. ❖

VRMCA Upcoming Events

.....
2006 Spring Convention
 May 21-23
 The Homestead

.....
2006 Fall Convention
 September 10-12
 Wintergreen Resort



VRMCA 2005-2006 OFFICERS AND DIRECTORS

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 Allied Concrete Company

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EXECUTIVE DIRECTOR

Peter Easter, CAE
 Easter Associates, Inc.

by J. Keith Beazley
 Director of Industry Services,
 Central Virginia and Hampton Roads

The February 2006 class of ACI Certification was held in Hampton at the Titan America plant.

The class has been traditionally a popular location for testing laboratories, ready-mixed producers, and other industry personnel to attend and certify their personnel.

The large volume of concrete business in the Hampton Roads area requires a large number of individuals certified to test and evaluate concrete delivered to the construction industry. A number of companies also send their employees from the neighboring state of North Carolina to be certified.

The dedication of a group of individuals makes our program in Hampton Roads the success that it has achieved. The VRMCA wishes to thank Barry Stallings of VDOT, Timothy Bonds of Capital Concrete, Mike Wierenga of F & R, Jack Kowalski of Branscome Concrete, Jim Holland of Titan America and Bob Nablo and Keith Beazley of VRMCA for their time and expertise. ❖

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VRMCA Technical Bulletins Available

The VRMCA Technical Committee is developing a series of Technical Bulletins in order to address various issues of interest to the ready mixed concrete industry.

The first two bulletins are now available and can be downloaded directly from the VRMCA website at: www.vrmca.com. You may also contact the Association Headquarters at 434.977.3716 for printed copies.

Please make every effort to distribute these to contractors, engineers, and testing labs in your area.

The Virginia Ready-Mixed Human Resource Consortium Wellness Promotion

Should employers promote "wellness" and cover screening and preventive services? YES!

There are many reasons to promote "wellness" and cover screening and prevention....

- Better health outcomes
- Morale
- Employee appreciation
- Reasonable cost-effectiveness relative to other intervention, like coronary bypass and cancer chemotherapy
- Productivity—Potential decrease in sick & disability days?

What's typical in a "wellness", screening and prevention program?

Medical interventions:

- Primary prevention (avert disease altogether)
- Vaccines
- Secondary prevention (detect early and eliminate)
- Colorectal cancer screening and breast cancer screening
- Tertiary prevention (avert related conditions)
- Detection and treatment of Hypertension and Hypercholesterolemia
- Diabetes management and Asthma management
- Behavioral interventions:
- Smoking, obesity, exercise, nutrition, stress management, etc.

Financial Incentives—Employers may:

- Provide voluntary testing of enrollees for specific health programs and make recommendations to address any health problems that are identified, if the program does not base any reward on the outcome of the health assessment.
- Encourage preventive care through the waiver of the co-payment or deductible requirement for a "well baby" or pre-natal visits.
- Reimburse employees for the cost of health club membership, without regard to any health factors relating to employees.
- Reimburse employees for the costs of smoking cessation programs, without regard to whether the employee quits smoking.

Our next meeting is Tuesday, March 21. Please contact Becky Meade at (804) 364-0500 or bmeade@coxreadymix.com if you would like information about our group. ❖

Ongoing Education in Northern Virginia

by Hessam Nabavi, R.A.
 Director of Industry Services, Northern Virginia

VRMCA in Northern Virginia, as part of our commitment to educate and create awareness about various ready-mixed concrete applications between design professionals; we offer educational seminars on a regular basis.

Usually at these events, we attempt to invite experts such as architects, engineers, contractors and producers to share their expertise and knowledge with the audience. In one of our recent seminars, I had the opportunity to have the following professionals join me:

Rory Ahern of Tara Contracting, an experienced contractor/ICF installer and National and International Trainer for ICF, Deb Brown, account manager for ICF forms, Mark Quinn, Quinn Construction/ ICF installer and Tom Yendall with Titan Virginia Concrete and NVCAC residential committee chairman.

The seminar was scheduled at Mulvanny G2 Architects with offices in Ciatel, Washington, McLean, Virginia and Shanghi, China. The seminar lasted for over two hours with a great response and many questions. This was followed by a visit to some ICF homes in various stages of construction and led to discussion about different forms and methods of installation.

Please check the calendar at www.vrmca.com for scheduled seminars in Northern Virginia. ❖



Rory Ahern—ICF installer and national trainer.



WHEN SO MUCH IS RIDING ON
YOUR CHOICE OF CEMENT,
MAKE THE **RIGHT** CHOICE

THE **RIGHT** PRODUCT & SERVICE
IN THE **RIGHT** PLACE
AT THE **RIGHT** TIME

Roanoke Cement has supplied ready-mix producers and the construction industry with consistent, dependable, high quality cement for over 50 years.

A superior product, backed by excellent customer service, the latest technology, and reliable distribution shows our commitment to serve our customers.

When so much depends on your cement, choose Roanoke Cement. Call 800-782-7622 or 540-992-1501 today.

The Smart Road bridge, at 175 feet tall, is Virginia's tallest bridge. Approximately 9,647 cubic yards of high-strength concrete were used to construct the 2,000-foot long bridge.

ROANOKECEMENT™
A TITAN AMERICA BUSINESS

2006 VRMCA Legislation

VRMCA lobbyists are monitoring the following legislation currently before the 2006 Virginia General Assembly, which convened January 11.

HB 40 - Estate tax. Conforms the amount of Virginia estate tax due from an estate to the maximum amount of the federal estate tax credit for state estate taxes, as permitted under federal estate tax law, as such law shall be amended from time to time. Under current law the amount of Virginia estate tax cannot be less than the federal credit under federal law as such law existed on January 1, 1978. Patron: Tata. Passed House (93-Y, 7-N); now before Senate Finance Committee.

HB 77 - Commonwealth of Virginia Higher Educational Institutions Bond Act of 2006. Authorizes the Treasury Board to issue bonds in an amount not to exceed \$369,514,400 pursuant to Article X, Section 9(c) of the Constitution of Virginia, for paying costs of acquiring, constructing, and equipping revenue-producing capital projects at institutions of higher education of the Commonwealth and repeals certain prior authorizations for the issuance of bonds to the extent that the maximum amount of such bonds has not been issued. The bill has an emergency clause and is in effect upon passage. Patron: Callahan, Passed House (96-Y, 0-N) with substitute; now before Senate Finance Committee.

HB 148 - Stormwater regulation. Provides that income derived from stormwater control program service charges shall be dedicated special revenue and may be used only to pay or recover costs for specified purposes, including the maintenance of dams, whether publicly or privately owned, that serve to control stormwater. Patron: Cole, Passed House (98-Y 0-N), passed Senate (38-Y, 0-N).

HB 175 - Overweight farm vehicles. Provides that vehicles that are either (i) registered as farm-use vehicles as provided in § 46.2-698 or (ii) exempted from registration as farm-use vehicles may operate at the extended weights authorized in § 46.2-1129 without the application for or receipt of a permit or payment of any fee. Patron: Lewis.; Passed House (99-Y, 0-N) with substitute; now before Senate.

HB 201 - Local toll facilities. Allows adjoining counties, cities, and towns to enter into agreements for the construction and operation of toll highways, bridges, and ferries within their boundaries. Patron: Marshall, R.G.; 01/23/06 House: Passed House (98-Y 0-N); now before Senate Committee on Transportation.

HB 268 - Stormwater regulation. Provides that income derived from stormwater control program service charges shall be dedicated special revenue and may be used only to pay or recover costs for specified purposes, including the enlargement or improvement of dams, whether publicly or privately owned, that serve to control stormwater. Patron: Cole.; Incorporated into HB148-Cole).

HB 478 - Small employer health insurance pooling. Authorizes employers with no more than 100 eligible employees to enter into pooling agreements under which a designated attorney-in-fact contracts on their behalf for group health insurance coverage for their employees. The small employers that are party to such an agreement constitute a single employer for purposes of pricing and other terms of the coverage under a group health benefit plan. Patron: Frederick; Incorporated into HB761 (Hamilton).

HB 516 - Estate tax. Gradually phases out the Virginia estate tax by 25% per year over a four-year period. Patron: Armstrong; Incorporated by Finance into HB40 (Tata).

HB 519 - Estate tax. Exempts from the estate tax (i) all estates where the majority of assets are an interest in a closely held business, including working farms, and (ii) all estates where the gross estate is worth \$10 million or less. Patron: Armstrong Incorporated by Finance into HB40 (Tata).

HB 761 - Small employer health group cooperatives. Authorizes the establishment of cooperatives for the purpose of arranging group health benefit plan coverage for small employers. Membership in health group cooperatives is limited to employers with not more than 50 eligible employees. A health group cooperative composed only of small employers is deemed to be a single employer for purposes of

provisions relating to rates and issuance and renewal of coverage. Group health benefits plans issued by carriers for coverage with a cooperative are exempt from mandates for coverage of a particular illnesses, disease or treatment, except coverage for diabetes treatment. Patron: Hamilton.; Passed House (97-Y, 0-N) Referred to Senate Committee on Commerce and Labor.

HB 1094 - Virginia Post-Disaster Anti-Price Gouging Act; civil penalties. Authorizes the Commissioner of Agriculture and Consumer Services to issue special orders requiring violators of the Virginia Post-Disaster Anti-Price Gouging Act to pay civil penalties of up to \$2,500 per violation per day. Patron: Amundson Passed House 99-Y, 0-N, now before Senate.

HB 1259 - Virginia Public Procurement Act; performance and payment bonds. Adds a provision that for the award of any construction contract exceeding \$100,000 in which the performance of labor or the furnishing of materials will be paid with public funds, the contractor must furnish to the public body performance and payment bonds. In addition, the bill provides that performance and payment bonds are required for construction contracts exceeding \$100,000 awarded to any prime contractor requiring the performance of labor or the furnishing of materials for buildings, structures, or other improvements to real property leased by a public body. Patron: Janis.; Passed House 100-Y, 0-N, now before Senate.

HB 1416 - Virginia Public Procurement Act; methods of procurement; design-build by certain local public bodies. Provides that design-build or construction management projects undertaken by any local governing body when the contract is not expected to cost more than \$2 million shall be exempt from approval of the Design-Build Review Board. As a result, such local governing bodies have authority to enter into contracts on a fixed price design-build basis or construction management basis. Patron: Fralin; 01/23/06; Passed House 100-Y, 0-N; now before Senate Transportation Committee.

HB 1426 - Public-Private Transportation Act of 1995 (PPTA). Provides for the granting of concessions under the PPTA and the taxation thereof. *Patrons:* Wardrup, Callahan, Cosgrove, Jones, S.C., Landes, May, Moran and Reid; *Senators:* Hawkins, Houck, Howell, Norment, Saslaw, Stolle, Stosch, Watkins and Williams; Passed House 100-Y, 0-N, now before Senate Transportation Committee.

HB 1430 - Vehicle lengths; exemption. Provides an exemption from the vehicle length limit for tractor-semitrailer combinations where the length of the semitrailer does not exceed 53 feet. Allows the Commonwealth Transportation Commissioner to restrict the operations of such tractor-semitrailer combinations from certain roads based on a safety and engineering analysis. *Patron:* Marshall, D.W Passed House 99-Y, 0-N; now before Senate Transportation Committee.

SB 28 - Commonwealth of Virginia Higher Educational Institutions Bond Act of 2006. Authorizes the Treasury Board to issue bonds in an amount not to exceed \$369,514,400 pursuant to Article X, Section 9(c) of the Constitution of Virginia, for paying costs of acquiring, constructing, and equipping revenue-producing capital projects at institutions of higher education of the Commonwealth; repeals certain prior authorizations for the issuance of bonds to the extent that the maximum amount of such bonds has not been issued. The bill has an emergency clause and is in effect upon passage. Patron: Chichester. Passed Senate (38-Y 0-N); Referred to House Appropriations.

SB 140 - Estate tax. Confirms the amount of Virginia estate tax due from an estate to the maximum amount of the federal estate tax credit for state estate taxes, as permitted under federal estate tax law, as such law shall be amended from time to time. Under current law the amount of Virginia estate tax cannot be less than the federal credit under federal law as such law existed on January 1, 1978. Patron: O'Brien; Incorporated into SB504.

SB - 504 Estate tax. Confirms the amount of Virginia estate tax due from an estate to the maximum amount of the federal estate tax credit for state estate taxes, as permitted under federal estate tax law, as such law shall be amended from time to time. Under current law Virginia estate tax cannot be less than the federal credit as such law existed on Jan 1, 1978. Patron: Norment. Passed Senate (38-Y, 0-N).

SB 523 - Vehicle lengths; exemption. Provides an exemption from the vehicle length limit for tractor-semitrailer combinations where the length of the semitrailer does not exceed 53 feet. Allows the Commonwealth Transportation Commissioner to restrict the operations of such tractor-semitrailer combinations from certain roads based on a safety and engineering analysis. Patron: Newman
Passed Senate (39-Y 0-N) 01/25/06, now before House.

SB 541 - Public-Private Education Facilities and Infrastructure Act; review and implementation of qualifying projects; Public-Private Partnership Advisory Council. Requires the review of qualifying projects under the Public-Private Education Facilities and Infrastructure Act (PPEA) by the appropriating body, which is the body responsible for appropriating or authorizing funding for the project. The bill provides that any aspects of an interim or comprehensive agreement requiring an appropriation or continuing appropriation shall not be developed or operated by a private entity until such time that the appropriation is approved by the appropriating body. The bill also requires that the guidelines that must be adopted by responsible public entities include provisions for (i) the financial review and analysis of the proposed qualifying project and the disclosure of such analysis to the appropriating body, (ii) consideration of nonfinancial benefits of a proposed qualifying project, and (iii) a mechanism for the appropriating body to review the proposed interim or comprehensive agreement before it is finalized. In addition, the bill establishes the Public-Private Partnership Advisory Council to review and advise the Governor and responsible public entities on the terms and conditions of proposed interim and comprehensive agreements. The bill contains technical amendments. Patron: Stosch; Passed Senate 40-Y, 0-N with substitute, now before House.

SB 614 - Virginia-North Carolina Interstate Toll Road Compact. Establishes the Virginia-North Carolina Interstate Toll Road Compact to set, impose, and collect tolls for use of Interstate Route 85 and Interstate 95. Patron: Wagner Passed Senate 40-Y, 0-N with substitute, now before House.

SB 659 - Estate tax. Conforms the amount of Virginia estate tax due from an estate to the maximum amount of the federal estate tax credit for state estate taxes, as permitted under federal estate tax law, as such law shall be amended from time to time. Under current law the amount of Virginia estate tax cannot be less than the federal credit under federal law as such law existed on January 1, 1978. Patron: McDougle
Incorporated into SB504.

Failed Legislation

HB 14 - Silviculture practices. Patron: Cole.; Left in Committee on Agriculture, Chesapeake and Natural Resources.

HB 18 - Safety inspections; exemption for certain trucks and vehicle combinations Patron: Lingamfelter; Tabled in House Transportation.

HB 76 - Virginia Public Building Authority; bonds to finance capital projects. Patron: Hamilton; left in subcommittee on Capital Outlay.

HB 165 - Primary and secondary highway construction funds allocations. . Patron: Lingamfelter.; left in Transportation Committee.

HB 166 - Virginia Defense Facility and Transportation Improvement Fund and Program. Patron: Lingamfelter; Tabled in House Transportation.

HB 200 - Fees on trucks. Patron: Marshall, R.G.; Tabled in House Transportation.

HB 248 - Sales and use tax; exemption for certain contractors. Patron: Shannon.; Tabled in Finance

HB 282 - Unemployment compensation; effect of failure to maintain employment records. Patron: Spruill.; Stricken from docket by Commerce and Labor.

HB 284 - Unemployment compensation; effect of failure to maintain employment records. Patron: Marshall, D.W.; Continued to 2007 in House Transportation.

HB 479 - Income tax; tax credit for health insurance premiums paid by small business employers. Patron: Frederick.; Left in Finance sub-committee.

HB 539 - Minimum wage. Patron: Callahan.; Left in Commerce and Labor sub-committee: Utilities/Employment (Byron).

HB 641 - Overweight permits for coal and gravel haulers. Patron: Phillips.; Tabled in Transportation.

HB 724 - State-Local Intersection Partnership Program. Patron: McQuigg.; Passed by Indefinitely in Transportation.

HB 857 - Department of General Services; Green Buildings Act. Patron: Ebbin.; Continued to 2007 in General Laws.

HB 891 - Recording devices in motor vehicles; ownership of data. Patron: Gear; Continued to 2007 in Science and Technology.

HB 1357 - Liquidated damages for overweight violations. Patron: Bell.; Passed by Indefinitely in Transportation.

HB 1492 - Driving commercial motor vehicle while intoxicated; penalty. Provides penalty for driving commercial motor vehicle while intoxicated; subsequent offense; prior conviction. Patrons: Valentine, Melvin and Scott, J.M. ; Left in Committee for Courts of Justice.

HJ 18 - Constitutional amendment (first resolution); Transportation Funds. Patron: Marshall, R.G.; Continued to 2007 in Privileges and Elections.

HJ 128 - Study; feasibility of providing property tax incentives to encourage constructing more efficient buildings; report. Patron: Ware, O.; Left in Committee.

SB 275 - Department of General Services; Green Buildings Act. Patron: Whipple.; Continued to 2007 in Committee on General Laws and Technology.

SJ 40 - Study; Department of Housing and Community Development; report. Patron: Blevins; Stricken from docket Committee on Rules.

SB 478 - Sales and use tax; exemption for certain contractors. Patron: Colgan.; Left in Committee on Finance.

SB 630 - Sales and use tax revenue dedicated to the Transportation Trust Fund. Patrons: Cuccinelli, Obenshain and O'Brien Left in Committee on Finance.