



# GENERAL ASSEMBLY UPDATE



January 23, 2017  
[www.vpcga.com](http://www.vpcga.com)

As we enter the third week of the 2017 Virginia General Assembly session we have mostly positive developments at the Capitol so far. The next two weeks will be extremely fast paced as both the House and Senate face a deadline of February 7 to complete action on their own bills. Following is a summary on some of the important issues we have addressed to date:

## Petroleum Storage Tank Fund

Delegate Alphonso Lopez of Arlington filed [House bill 1860](#) to establish an above ground tank fund for tanks holding in excess of 5000 gallons of hazardous chemicals. While the legislation specifically exempted petroleum, it also established a storage tank fund based on the petroleum storage tank fund model. The bill provided no state funds for the effort and we were concerned about the very real possibility that petroleum tank fund could be raided to fund non-petroleum cleanups. We brought these concerns to the House Agriculture and Natural Resources Committee on Wednesday and the bill was defeated.

## Fuels Taxes

Once again this year local governments in Northern Virginia and Hampton Roads are seeking to impose a floor on the variable rate local fuels taxes in those jurisdictions. They erroneously cite an oversight in the 2013 legislation that expanded a 2.1 retail tax in Northern Virginia to Hampton Roads. They also neglected to inform legislators that the Northern Virginia tax, designed to fund Metro, but now used for many other transportation projects, has never had a floor. This year pending are two bills, one by Delegate Mark Levine of Alexandria, [House 2130](#), and another [Senate 1456](#) by Senator Frank Wagner of Virginia Beach and gubernatorial candidate. Each imposes the floor in a different way with the common approach of tying the floor to the statewide floor of the February 2013 wholesale price of approximately 3.16 per gallon. Action is expected this week and while the Senate may pass a version of the bill, (as it did last year) chances of success in the House where all 100 members stand for election this fall, is less likely.

## Lottery

As expected, the Virginia Lottery urged the General Assembly to lift the statutory ban on selling lottery tickets on the internet and turn that power over to an unelected lottery board. This bill [House 2010](#) by Delegate Roxanne Robinson of Chesterfield was considered by a General Laws subcommittee and defeated for the year on Tuesday. Many thanks to VPCGA Chairman Charlie Parker, Parker Oil who came to Richmond and testified on behalf of the industry. This issue will surely be back in the future either as a part of the budgetary process or a stand-alone bill.

## Home Service Providers

This is an issue we have not seen in previous Assembly sessions, but Delegate Terry Kilgore introduced [House 1542](#) to regulate home service contract providers. The ostensible purpose of the bill was to move oversight of this profession from the State Corporation Commission to the

Department of Agriculture Resources. However, the broad wording of the legislation merited review by association counsel Bruce Arkema. After reviewing he determined that the language would capture any business selling heating or cooling systems or tanks that provides a warranty to the customer. It also adds registration fees and bonding requirements. We will be offering an amendment to remove those requirements.

## **Truck Idling**

At the request of the city of Richmond, Delegate Betsy Carr and Senator Roslyn Dance have filed identical bills [Senate 1184](#) and [House 2005](#) to effectively ban truck idling statewide. We have explained to the legislators the impact it would have on heating fuel, petroleum and propane delivery and are working with our colleagues at the trucking association on an amendment that would exempt commercial vehicles from the bill. We anticipate action this week.