



**2009 Virginia General Assembly
Incumbent Evaluations**

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This report is intended solely for the information of Virginia FREE members and nothing contained here is to be construed as an endorsement of any candidate.

Legislative Leaders Must Focus on Priorities: Energy, Transportation, Core Government Services

Energy Policy and Greenhouse Gas Emissions

America and the Commonwealth face a renewed sense of urgency over energy policy. Skyrocketing gas prices over the summer and a century of increases in global temperatures have combined to give most Virginians a heightened awareness of the need to make our state and nation more energy independent from foreign sources of fuel and to reduce the levels of greenhouse gas emissions that go into the atmosphere. Governor Kaine established the Governor's Commission on Climate Change and several legislative commissions exist that have jurisdiction over various pieces of the energy policy and greenhouse gas emissions puzzle. In spite of much activity on various fronts, or perhaps in part because of it, a Virginia consensus on energy seems a distant goal. Yet, as the new Administration in Washington, D.C. is taking aggressive action to move forward both with national legislation and a new round of negotiations for a successor to the Kyoto Accords, the need for a Virginia consensus is greater than ever.

Articulating the need for a comprehensive energy plan is far easier than developing one. However, the principles that should underlie any comprehensive energy plan can be stated with clarity. Any solution to global warming and energy independence must meet sound scientific principles. Economic costs associated with addressing global warming will be substantial and must be estimated as honestly and accurately as possible. It is not enough to hope that these costs will be offset by the creation of new green technologies and green collar jobs. Realistic assessments of the gains from new technologies must also be made and well-defined plans must be established to ensure that those gains are realized. With our economy facing challenges that have not been seen since the Great Depression, any plan must provide for real economic growth and not be a burden to future economic prosperity.

A comprehensive energy plan must accept and account for increased energy demand as part of a growing economy, and alternative energy sources must have price structures similar to historic fuel sources. Incentives and subsidies may be required to offset any differential in costs until the alternative energy source is competitive. Safe nuclear power and clean coal should be a critical and significant component of any remedy plan, and all federally derived remedy plans should be flexible to provide for regional specific situations. As we strive towards energy independence, use of domestic sources of energy, including off-shore oil and natural gas, must be included as part of our strategy. Part of any plan to reduce greenhouse gas emissions must include reasonable assurances that the sacrifices Virginians make will not be offset by emissions occurring in other states or nations.

We believe that Virginia should adopt these principles as the basis for moving forward to develop a comprehensive policy on energy and greenhouse gases.

Transportation and Core Services of Government

Since 2005, the record of the Virginia General Assembly has been marred by its failure to address acute transportation funding shortfalls conservatively estimated at \$1 billion a year.

Transportation money has been a top priority in recent legislative sessions, with little progress realized beyond one-time cash infusions that fail to address structural transportation funding deficits over the long haul. After a protracted stalemate in 2006, an imperfect consensus legislative package was forged in 2007 authorizing bonding authority for statewide transportation projects coupled with regional revenue producing components and earmarked fees. Major components of this package unraveled when the state Supreme Court struck down the regional funding mechanism, and the legislature itself – under public pressure – repealed unpopular fees.

In 2008 and 2009, the legislature again turned its back on pressing transportation needs, relying on \$800 million in one-time federal stimulus dollars to temporarily relieve some of the immediate pressure for action on desperately needed projects.

This leaves Virginia in dire need of dedicated, long-term revenue for routine maintenance and new construction of highways, bridges, transit and rail, especially in Northern Virginia and Hampton Roads, two vital economic engines benefiting the entire Commonwealth.

Virginia's business community acknowledges the enormous challenges faced by the General Assembly in providing far-reaching, long-range solutions to meet our 21st-century transportation demands. The need is large, complex and growing.

Comprehensive solutions include continuing reform of the Virginia Department of Transportation; accelerated public-private partnerships; more privatization of transportation assets; better land-use planning; more efficient development patterns; enhanced multi-modal transportation choices; and an array of innovative ideas such as HOT lanes and peak pricing. To be sure, these ingredients are necessary. But any reasonable assessment of Virginia's critical transportation needs must acknowledge an urgent demand for substantial new sources of long-term funding. At a bare minimum, new money is required to meet demands for federal matching funds for infrastructure maintenance and to ensure that Virginia is a viable partner with the private sector.

Business location, expansion, retention and existing operations depend heavily on Virginia's transportation systems. Companies need a seamless system of highways, mass transit, railroads, seaports and airports to conduct business efficiently, to grow, to prosper and to create jobs. The efficient movement of people, goods and services is essential to sustain our favorable business environment, continued economic growth, public safety, and Virginia's enviable quality of life.

Regrettably, there is an utter failure by elected officials to tackle the transportation challenge and put in place innovative, forward-looking policies that will carry Virginia forward to a prosperous future. Political brinkmanship and a refusal to compromise now prove insurmountable barriers in the pursuit of meaningful, long-range solutions for transportation. No process could be less business-like than this political gridlock. We have not only a shortage of transportation dollars, but also a shortage of courage and leadership needed to elevate good governance above short-term partisan gain.

Core government responsibilities include public safety, education, healthcare, transportation, and energy & environment. In four of these five areas, the General Assembly earns high marks and Virginia FREE's annual ratings reflect that. Virginia FREE applauds the legislature for its strong support for many measures that encourage economic development, business investment, job creation, and the efficient, productive use of resources to promote free enterprise. And we credit legislators for rejecting, for the most part, measures that would threaten Virginia's tradition of sound financial management and the long-term economic health and competitiveness of the state. But there is a singular, abject failure to address the crucial, growing needs of our 21st Century transportation system.

The continuing stalemate on transportation solutions threatens economic prosperity and our best-in-the-nation business environment. Virginia deserves and demands leadership, not a protracted political standoff. Virginia businesses do not see transportation solutions as partisan issues. They are Virginia issues. They are pressing business issues. They require hard work and a spirit of compromise. That is what Virginia expects and deserves from our elected officials.

Homestead Exemption

Business interests in Virginia this year turned back a revived attempt at enacting the so-called Homestead exemption, and we would urge lawmakers to forego any further such attempts in future sessions of the General Assembly.

In 2007, the General Assembly approved a measure providing for a constitutional amendment authorizing localities to exempt or defer from real property taxes a portion of the value of residential or farm property that is the owner-occupant's primary dwelling.

Legislation to advance that effort was introduced again in 2008. It did not pass at the urging of business and other groups, in part because the measures' language was not clear and in part because it was seen by many as nothing more than a \$1 billion tax shift from homeowners to owners of commercial and industrial property and other taxpayers.

The proposed amendment represented a major change in Virginia local government finance since it was aimed squarely at the real property tax, the most important single source of locally raised revenue. Its rush to passage, without study, was uncharacteristic of how important decisions are made in Virginia. Were it to show signs of life again, it would send an unwanted message about the business friendliness of Virginia's local tax system especially if, as one report put it, the implementation of special surtaxes on commercial and industrial property for funding transportation projects spreads.

Part I – Incumbent Evaluations

Key To Terms

District:

The legislative district number as created in 2001 redistricting.

Cumulative Business Rating:

The average of each legislator's Virginia FREE Business Ratings from 1995 through 2009 or, for those taking office after 1995, the average from the legislator's first year in office through 2009. For several Senators, the Cumulative Business Rating includes previous service in the House of Delegates.

Business Rating:

The legislator's score based on Virginia FREE evaluations of incumbent performance on important business issues in the 2009 General Assembly session (100-point scale where 100 is strongly pro-business). This rating combines General Assembly voting records with incumbent evaluations as done by leading business lobbyists.

Vote Percentage:

The percentage of votes cast by the legislator in support of the predominant business position on important business issues used in Virginia FREE voting records from the 2009 General Assembly session.

Stewardship:

The Stewardship Evaluation is the result of an annual survey of Virginia FREE member governmental affairs professionals to determine, in their informed opinions, the level of responsible, pro-business stewardship demonstrated by each member of the General Assembly.

Effectiveness:

The Effectiveness rating is the result of an annual survey of Virginia FREE member governmental affairs professionals to determine, in their informed opinions, how effective each legislator is in accomplishing his or her objectives in the legislature - without regard to the legislator's position on business issues.

A more detailed explanation of the terms and methods used in this report appears in Appendix A.

Virginia FREE Incumbent Evaluations
Senate Summary Results

District	Senator	Cumulative Business Rating	2009 Business Rating	2009 Vote Percentage	2009 Stewardship	2009 Effectiveness
39	Barker, George L.	54	68	82%	54	50
14	Blevins, Harry B.	78	85	94%	75	66
29	Colgan, Charles J.	76	77	74%	80	86
37	Cuccinelli, Ken, II	65	77	89%	64	57
25	Deeds, R. Creigh	61	72	80%	63	64
21	Edwards, John S.	52	66	74%	57	62
24	Hanger, Emmett W., Jr.	78	86	100%	71	68
33	Herring, Mark R.	64	74	79%	68	63
17	Houck, R. Edward	64	74	76%	71	78
32	Howell, Janet D.	59	71	81%	62	70
19	Hurt, Robert	78	89	100%	78	67
2	Locke, Mamie E.	55	64	73%	54	58
18	Lucas, L. Louise	56	69	80%	57	58
16	Marsh, Henry L., III	52	64	80%	48	52
11	Martin, Stephen H.	76	75	88%	62	52
4	McDougle, Ryan T.	70	85	100%	69	61
9	McEachin, A. Donald	48	67	80%	54	63
1	Miller, John C.	63	75	81%	68	59
5	Miller, Yvonne B.	55	59	68%	50	53
23	Newman, Stephen D.	79	79	84%	73	63
3	Norment, Thomas K., Jr.	83	88	96%	79	81
6	Northam, Ralph S.	60	76	80%	71	68
26	Obenshain, Mark D.	68	79	85%	72	64
34	Petersen, Chap	62	70	82%	58	58
38	Puckett, Phillip P.	68	70	65%	75	70
36	Puller, Toddy	60	72	77%	67	60
13	Quayle, Frederick M.	75	82	90%	74	65
20	Reynolds, Wm. Roscoe	67	73	80%	65	60
15	Ruff, Frank M., Jr.	78	88	100%	75	61
35	Saslaw, Richard L.	68	77	73%	80	86
22	Smith, Ralph K.	64	71	82%	60	44
8	Stolle, Kenneth W.	83	87	92%	82	80
12	Stosch, Walter A.	85	90	95%	85	82
28	Stuart, Richard H.	70	79	94%	63	58
30	Ticer, Patricia S.	54	64	75%	52	57
27	Vogel, Jill Holtzman	65	76	82%	69	59
7	Wagner, Frank W.	83	88	94%	82	78
40	Wampler, William C., Jr.	76	87	95%	78	82
10	Watkins, John	85	92	100%	83	79
31	Whipple, Mary Margaret	54	65	72%	58	70

Virginia FREE Incumbent Evaluations
House Summary Results

District	Delegate	Cumulative Business Rating	2009 Business Rating	2009 Vote Percentage	2009 Stewardship	2009 Effectiveness
59	Abbitt, Watkins M., Jr.	69	78	86%	69	59
42	Albo, David B.	78	81	86%	75	78
89	Alexander, Kenneth C.	63	77	92%	61	58
44	Amundson, Kristen J.	64	71	85%	57	55
10	Armstrong, Ward L.	63	76	79%	72	77
18	Athey, Clifford L., Jr.	64	71	73%	69	66
95	BaCote, Mamy E.	54	49	50%	48	46
64	Barlow, William K.	65	66	67%	64	54
58	Bell, Robert B.	69	72	79%	64	62
83	Bouchard, Joseph F.	54	60	64%	56	49
3	Bowling, Dan C.	59	71	79%	62	48
48	Brink, Robert H.	56	69	79%	58	55
37	Bulova, David L.	56	66	73%	59	55
22	Byron, Kathy J.	75	84	93%	74	69
67	Caputo, C. Charles	65	73	79%	67	57
5	Carrico, Charles W., Sr.	65	74	79%	69	59
24	Cline, Benjamin L.	62	70	71%	68	59
88	Cole, Mark L.	63	71	79%	63	53
78	Cosgrove, John A.	68	77	87%	67	72
66	Cox, M. Kirkland	75	80	87%	72	80
6	Crockett-Stark, Anne B.	58	73	85%	60	52
63	Dance, Rosalyn R.	57	70	86%	53	48
49	Ebbin, Adam P.	54	63	79%	46	44
47	Eisenberg, Albert C.	52	55	67%	42	36
45	Englin, David L.	52	63	80%	46	44
17	Fralin, William H., Jr.	72	83	92%	73	67
52	Frederick, Jeffrey M.	54	57	69%	45	35
91	Gear, Thomas D.	62	69	82%	56	45
15	Gilbert, C. Todd	61	67	71%	63	58
8	Griffith, H. Morgan	69	80	93%	66	77
69	Hall, Franklin P.	67	77	86%	68	67
93	Hamilton, Phillip A.	74	84	93%	75	83
55	Hargrove, Frank D., Sr.	76	83	92%	74	67
46	Herring, Charnielle	70	70	86%	53	37
60	Hogan, Clarke N.	66	70	79%	60	67
90	Howell, Algie T., Jr.	59	71	86%	55	48
28	Howell, William J.	74	79	86%	72	81
40	Hugo, Timothy D.	69	78	83%	72	68
38	Hull, Robert D.	55	75	92%	58	54
84	Iaquinto, Salvatore R.	68	78	87%	68	60
62	Ingram, Riley E.	77	85	93%	76	71
56	Janis, William R.	67	74	79%	68	65
79	Joannou, Johnny S.	55	76	86%	65	67
4	Johnson, Joseph P., Jr.	61	76	87%	65	58
76	Jones, S. Chris	76	81	87%	74	78
1	Kilgore, Terry G.	71	83	87%	78	81
81	Knight, Barry	80	80	93%	67	54
25	Landes, R. Steven	73	76	80%	71	70
100	Lewis, Lynwood W., Jr.	70	77	80%	73	69
31	Lingamfelter, L. Scott	66	71	77%	64	60

Virginia FREE Incumbent Evaluations
House Summary Results

District	Delegate	Cumulative Business Rating	2009 Business Rating	2009 Vote Percentage	2009 Stewardship	2009 Effectiveness
26	Lohr, Matthew J.	68	82	93%	71	62
68	Loupassi, G. Manoli	65	75	80%	70	60
41	Marsden, David W.	63	69	73%	64	55
14	Marshall, Daniel W., III	76	82	87%	76	68
13	Marshall, Robert G.	62	60	69%	51	43
72	Massie, James P. (Jimmie), III	70	82	92%	71	57
21	Mathieson, Robert W.	61	69	73%	64	53
33	May, Joe T.	77	81	86%	75	75
71	McClellan, Jennifer L.	65	80	92%	68	71
70	McQuinn, Delores L.	70	70	85%	54	46
80	Melvin, Kenneth R.	55	80	93%	67	73
16	Merricks, Donald W.	68	74	79%	69	57
50	Miller, Jackson H.	69	78	86%	69	58
87	Miller, Paula J.	65	75	86%	64	54
98	Morgan, Harvey B.	69	75	83%	67	62
74	Morrissey, Joseph D.	58	70	86%	53	46
51	Nichols,Paul F.	62	73	85%	60	48
27	Nixon, Samuel A., Jr.	79	83	86%	80	84
7	Nutter, David A.	70	81	93%	69	63
73	O'Bannon, John M., III	71	82	93%	70	71
94	Oder, G. Glenn	76	85	93%	77	73
54	Orrock, Robert D., Sr.	73	83	93%	73	71
97	Peace, Christopher Kilian	64	77	80%	74	66
2	Phillips, Clarence E.	56	71	79%	62	61
36	Plum, Kenneth R.	53	66	73%	58	59
96	Pogge, Brenda L.	64	73	87%	59	49
9	Poindexter, Charles D.	69	80	93%	66	51
32	Poisson, David E.	70	78	90%	66	54
99	Pollard, Albert C., Jr.	59	66	71%	60	58
82	Purkey, Harry R.	76	82	92%	71	69
19	Putney, Lacey E.	73	85	93%	77	86
86	Rust, Thomas Davis	76	90	100%	79	75
20	Saxman, Christopher B.	73	83	93%	72	69
30	Scott, Edward T.	76	84	93%	74	69
53	Scott, James M.	62	73	85%	60	59
35	Shannon, Stephen C.	70	79	80%	77	71
29	Sherwood, Beverly J.	74	82	93%	71	69
12	Shuler, James M.	71	70	69%	70	63
43	Sickles, Mark D.	66	77	86%	67	61
77	Spruill, Lionell, Sr.	54	72	93%	50	51
85	Tata, Robert	75	80	91%	69	64
57	Toscano, David J.	62	68	73%	63	57
75	Tyler, Roslyn C.	55	63	77%	49	45
23	Valentine, Shannon R.	64	73	79%	67	61
34	Vanderhye, Margaret G.	59	68	73%	63	55
92	Ward, Jeion A.	57	68	85%	51	48
11	Ware, Onzlee	71	74	85%	62	58
65	Ware, R. Lee, Jr.	65	82	87%	77	75
39	Watts, Vivian E.	60	71	79%	63	62
61	Wright, Thomas C., Jr.	67	79	93%	64	50

Part II - 2009 General Assembly Voting Records

Following is a detailed look at 2009 General Assembly voting records on issues of importance to business and industry.

This report does not portray a legislator's complete performance on important business issues. Nor does it include all legislation affecting business interests in Virginia. Rather, it provides a representative sample of important bills and votes affecting Virginia's business environment. All votes are shown as they appear in official General Assembly records.

Virginia FREE's General Assembly voting records for 1990 through 2008 appear in earlier reports and are available at www.vafree.com

An explanation of voting record methodology appears in Appendix A.

A description of the bills and votes in this report appears in Appendix B.

Key To Symbols

- + = A vote in SUPPORT of the consensus business position.
- = A vote AGAINST the consensus business position.
- A = Abstained from voting.
- X = Not Voting.

Vote Percentage:

The percentage of time the legislator voted in support of the consensus business position on votes used in Virginia FREE's Voting Record.

Committee Votes:

For committee votes, a blank indicates the legislator is not a member of that committee and therefore could not vote.

2009 Senate Votes

Senators	Insurance: Large Commercial Risk	Group Life Insurance	State Employee Insurance Plans	Motor Vehicle Liability Limits	Drug Related Personal Injury Actions	Fees in Civil Cases	Bioscience & Technology Research	Major Employment & Investment Projects	Eminent Domain Amendment	Greenhouse Gas Emissions	Bipartisan Redistricting Commission	Small Business Health Insurance	Mandated Benefit for Autism	Manadated Benefit for Prosthetics	Alternative Sewage Systems	Telephone Regulatory Alternatives	Biofuel Production	Taxes: Manufacturing Sales Factor	Pollution Control Tax Exemption	Workers' Compensation	Workers' Compensation	Unemployment Compensation	Employment Law	Expanded Unemployment Benefits	Vote Percentage	
	HB 1982	SB 945	SB 1351	SB 1360	SB 885	SB 916	SB 1338	HB 2550	HJ 725	SB 1145	SB 926	SB 1411	SB 1260	SB 1116	SB 1276	HB 1885	HB 2165	HB 2437	HB 2084	SB 1158	SB 821	SB 917	SB 860	SB 1495		
Barker, George L.	+	+	+				+	+	+	-	+	+			+	+	+	+	+	+			-	-	82%	
Blevins, Harry B.	+	+	+				+	+	-	+	+	X			+	+	+	+	+	+	+			+	+	94%
Colgan, Charles J.	+	+	+				+	X		-	+	+	-	-	+	+	+	+	+	+	+	+	-	-	74%	
Cuccinelli, Ken, II	+	-	+	+	+	+	-	+		+	+	+			+	+	+	+	+	+			+	+	89%	
Deeds, R. Creigh	+	+	+	+	+	+	+	+	+	-	+	+			-	+	+	+	+	+	+			-	-	80%
Edwards, John S.	+	+	+	+	+	+	+	+	+	-	+	+		-	+	-	+	+	+	+	-	+	-	-	74%	
Hanger, Emmett W.	+	+	+				+	X		+	+	+	+		+	+	+	+	+	+	+			+	+	100%
Herring, Mark R.	+	+	+				+	+		-	+	+		-	+	+	+	+	+	+	+	+	-	-	79%	
Houck, R. Edward	+	+	+				+	+		-	+	+	-		+	+	+	+	+	+	+			-	-	76%
Howell, Janet D.	+	+	+	+	+	+	+	+	+	-	+	+	-		+	+	+	+	+	+			-	-	81%	
Hurt, Robert	+	+	+	+	+	+	+	+		+	+	+			+	+	+	+	+	+			+	+	100%	
Locke, Mamie E.	+	+	+				+	+		-	X	+			-	+	+	+	+	+			-	-	73%	
Lucas, L. Louise	+	+	+	+	+	+	+	+		-	+	+	-		+	+	+	+	+	+			-	-	80%	
Marsh, Henry L.	+	-	+	+	+	-	+	+		-	+	+	+		+	+	+	+	+	+			-	-	80%	
Martin, Stephen H.	+	+	+				+	+	-	+	+	+			+	+	+	+	+	+			+	+	88%	
McDougle, Ryan T.	+	+	+	+	+	+	+	+		+	+	+			+	+	+	+	+	+			+	+	100%	
McEachin, A. Donald	+	+	+				+	+	+	-	+	+		-	+	+	+	+	+	+	+	+	-	-	80%	
Miller, John C.	+	+	+				+	+		-	+	+			+	+	+	+	+	+			-	-	81%	
Miller, Yvonne B.	+	+	+				+	+		-	+	X	+		+	+	+	+	+	+	-	-	-	-	68%	
Newman, Stephen D.	+	-	+				-	+		+	+	+	+		+	-	+	+	+	+	+	+	+	+	84%	
Norment, Thomas K.	+	+	+	+	+	+	+	+		+	+	+	-	+	+	+	+	+	+	+	+	+	+	+	96%	
Northam, Ralph S.	+	+	X				+	+	+	-	+	+			+	+	+	+	+	X			-	-	80%	
Obenshain, Mark D.	+	-	+	+	+	+	-	+	-	+	+	+			+	+	+	+	+	+			+	+	85%	
Petersen, Chap	+	+	+				+	+	+	-	+	+			+	+	+	+	+	+			-	-	82%	
Puckett, Phillip P.	+	-	+				+	+	-	-	+	+		-	+	+	+	+	+	+	-	+	-	-	65%	
Puller, Toddy	+	+	+	+	+	+	+	+		-	+	+		-	+	+	+	+	+	+	-	+	-	-	77%	
Quayle, Frederick M.	+	+	+	+	+	-	+	+		+	+	+	-		+	+	+	+	+	+			+	+	90%	
Reynolds, Wm. Roscoe	+	+	+	-	+	+	+	+		-	+	+	+		+	+	+	+	+	+			-	-	80%	
Ruff, Frank M.	+	+	+				+	+		+	+	X			+	X	+	+	+	+			+	+	100%	
Saslaw, Richard L.	+	+	+		+	-	+	+		-	+	+	-	-	+	+	+	+	+	+	+	+	-	-	73%	
Smith, Ralph K.	+	-	+				-	+	-	+	+	+			+	+	+	+	+	+			+	+	82%	
Stolle, Kenneth W.	+	+	+	+	+	+	+	+	-	+	+	+	-	+	+	+	+	+	+	+	+	+	+	+	92%	
Stosch, Walter A.	+	+	+				+	+		+	+	+	-	+	+	+	+	+	+	+	+	+	+	+	95%	
Stuart, Richard H.	+	+	+				+	+		+	+	+			+	-	+	+	+	+			+	+	94%	
Ticer, Patricia S.	+	+	+				+	+		-	+	+			-	+	+	+	+	+			-	-	75%	
Vogel, Jill Holtzman	+	+	+				+	+	-	-	+	+			-	+	+	+	+	+			+	+	82%	
Wagner, Frank W.	+	-	+				+	+		+	+	+		+	+	+	+	+	+	+	+		+	+	94%	
Wampler, William C.	+	+	+				+	+		+	+	+	-	+	+	+	+	+	X	+	+	+	+	+	95%	
Watkins, John	+	X	+				X	+		+	+	+	+	+	+	+	+	+	+	+	+	+	X	+	100%	
Whipple, Mary Margaret	+	+	+				+	+	+	-	+	+	-		-	+	+	+	+	+	+	+	-	-	72%	

2009 House Votes

Delegates	Insurance: Large Commercial Risk	Underinsured Motorist Coverage	State Employee Insurance Plans	Bioscience & Technology Research	Employment & Investment Projects	Eminent Domain Amendment	Greenhouse Gas Emissions	Bipartisan Redistricting Commission	Small Business Health Insurance	Mandated Benefit for Autism	Alternative Sewage Systems	Telephone Regulatory Alternatives	Biofuel Production	Taxes: Manufacturing Sales Factor	Pollution Control Tax Exemption	Workers' Compensation	Expanded Unemployment Benefits	Vote Percentage
	HB 1982	HB 2431	HB 2557	HB 2444	HB 2550	HJ 725	SB 1145	HB 1685	HB 2024	HB 1588	HB 1788	HB 1885	HB 2165	HB 2437	HB 2084	HB 1674	SB 1495	
Abbitt, Watkins M., Jr.	+		+	+	+	-			+	+	+	-	+	+	+	+	+	86%
Albo, David B.	+		+	+	+	-			+	+	-	+	+	+	+	+	+	86%
Alexander, Kenneth C.	+		+	+	+	+			X	+	+	+	+	+	X	+	-	92%
Amundson, Kristen J.	+		+	+	+	+			+	-	+	+	+	X	+	+	-	85%
Armstrong, Ward L.	+		+	+	+	-			+	-	+	+	+	+	+	+	-	79%
Athey, Clifford L., Jr.	+	+	+	-	+	-			+	+	-	-	+	+	+	+	+	73%
BaCote, Mamy E.	+		X	+	+	-			X	-	-	+	X	X	X	X	-	50%
Barlow, William K.	+	-	+	+	+	-			+	-	-	+	+	+	+	+	-	67%
Bell, Robert B.	+		+	+	+	-			+	+	-	-	+	+	+	+	+	79%
Bouchard, Joseph F.	+		+	+	+	-	-		+	-	-	A	+	+	+	+	-	64%
Bowling, Dan C.	+		+	+	+	-			+	-	+	+	+	+	+	+	-	79%
Brink, Robert H.	+		+	+	+	+			+	-	-	+	+	+	+	+	-	79%
Bulova, David L.	+		+	+	+	+	-		+	-	-	+	+	+	+	+	-	73%
Byron, Kathy J.	+		+	+	+	-			+	+	+	+	+	+	+	+	+	93%
Caputo, C. Charles	+		+	+	+	+			+	-	-	+	+	+	+	+	-	79%
Carrico, Charles W., Sr.	+		+	-	+	-			+	-	+	+	+	+	+	+	+	79%
Cline, Benjamin L.	+		+	-	+	-			+	+	-	-	+	+	+	+	+	71%
Cole, Mark L.	+		+	-	+	-			+	+	-	+	+	+	+	+	+	79%
Cosgrove, John A.	+		+	+	+	-		-	+	+	+	+	+	+	+	+	+	87%
Cox, M. Kirkland	+		+	+	+	-	+		+	+	-	+	+	+	+	+	+	87%
Crockett-Stark, Anne B.	+		+	+	X	-			+	+	-	+	+	+	+	+	+	85%
Dance, Rosalyn R.	+		+	+	+	-		+	+	A	+	+	+	+	+	+	-	86%
Ebbin, Adam P.	+		+	+	+	+			+	-	-	+	+	+	+	+	-	79%
Eisenberg, Albert C.	+		+	+	+	+	-		-	-	-	+	+	+	+	+	-	67%
Englin, David L.	+		+	+	+	+		+	+	-	-	+	+	+	+	+	-	80%
Fralin, William H., Jr.	+	X	X	+	+	-			+	+	+	+	+	+	+	+	+	92%
Frederick, Jeffrey M.	+		+	-	X	-		-	+	+	-	X	+	+	+	+	+	69%
Gear, Thomas D.	+		+	+	+	-			+	+	-	+	X	+	+	X	X	82%
Gilbert, C. Todd	+		+	-	+	-			+	+	-	-	+	+	+	+	+	71%
Griffith, H. Morgan	+		+	+	+	-			+	+	+	+	+	+	+	+	+	93%
Hall, Franklin P.	+		+	+	+	+			+	-	+	+	+	+	+	+	-	86%
Hamilton, Phillip A.	+		+	+	+	-			+	+	+	+	+	+	+	+	+	93%
Hargrove, Frank D., Sr.	+		+	+	X	-			+	+	+	+	+	X	+	+	+	92%
Herring, Charnielle L.	+		+	+	+	+			+	-	+	+	+	+	+	+	-	86%
Hogan, Clarke N.	+		+	+	+	-	+		X	+	-	-	+	+	+	+	+	79%
Howell, Algje T., Jr.	+		+	+	+	-			+	+	+	+	+	+	+	+	-	86%

2009 House Votes

Delegates	Insurance: Large Commercial Risk	Underinsured Motorist Coverage	State Employee Insurance Plans	Bioscience & Technology Research	Employment & Investment Projects	Eminent Domain Amendment	Greenhouse Gas Emissions	Bipartisan Redistricting Commission	Small Business Health Insurance	Mandated Benefit for Autism	Alternative Sewage Systems	Telephone Regulatory Alternatives	Biofuel Production	Taxes: Manufacturing Sales Factor	Pollution Control Tax Exemption	Workers' Compensation	Expanded Unemployment Benefits	Vote Percentage
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Howell, William J.	+		+	+	+	-			+	+	-	+	+	+	+	+	+	86%
Hugo, Timothy D.	+		+	+	X	-			+	+	-	+	+	X	+	+	+	83%
Hull, Robert D.	X		+	+	+	+			+	X	+	+	+	+	+	+	-	92%
Iaquinto, Salvatore R.	+	-	+	+	+	-			+	+	+	+	+	+	+	+	+	87%
Ingram, Riley E.	+		+	+	+	-			+	+	+	+	+	+	+	+	+	93%
Janis, William R.	+		+	-	+	-			+	+	+	-	+	+	+	+	+	79%
Joannou, Johnny S.	+		+	+	+	-			+	+	+	+	+	+	+	+	-	86%
Johnson, Joseph P., Jr.	+	+	+	+	+	-			+	+	+	+	+	+	-	+	+	87%
Jones, S. Chris	+		+	+	+	-		-	+	+	+	+	+	+	+	+	+	87%
Kilgore, Terry G.	+	-	+	+	+	-			+	+	+	+	+	+	+	+	+	87%
Knight, Barry D.	+		+	+	+	-			+	+	+	+	+	+	+	+	+	93%
Landes, R. Steven	+		+	+	+	-		-	+	+	-	+	+	+	+	+	+	80%
Lewis, Lynwood W., Jr.	+		+	+	+	-	-		+	+	+	+	+	+	+	+	-	80%
Lingamfelter, L. Scott	+		+	-	X	-			+	+	-	+	+	+	+	+	+	77%
Lohr, Matthew J.	+		+	+	+	-	+		+	+	+	+	+	+	+	+	+	93%
Loupassi, G. Manoli	+	-	+	+	+	-			+	+	-	+	+	+	+	+	+	80%
Marsden, David W.	+	-	+	+	+	+			+	-	-	+	+	+	+	+	-	73%
Marshall, Daniel W., III	+		+	+	+	-	+		+	+	+	+	+	+	+	+	-	87%
Marshall, Robert G.	+		+	-	+	-			+	-	-	+	+	X	+	+	+	69%
Massie, James P., III	+		+	+	+	-			+	+	+	+	+	X	+	+	+	92%
Mathieson, Robert W.	+		+	+	+	+	-		+	-	-	+	+	+	+	+	-	73%
May, Joe T.	+		+	+	+	-			+	+	-	+	+	+	+	+	+	86%
McClellan, Jennifer L.	+		+	+	+	+			+	X	+	A	+	+	+	+	-	92%
McQuinn, Delores L.	+		+	+	X	+			+	-	+	+	+	+	+	+	-	85%
Melvin, Kenneth R.	+		+	+	+	+			+	+	+	+	+	+	+	+	-	93%
Merricks, Donald W.	+		+	+	+	-			+	+	+	-	+	+	+	+	-	79%
Miller, Jackson H.	+		+	+	+	-			+	+	-	+	+	+	+	+	+	86%
Miller, Paula J.	+		+	+	+	-			+	+	+	+	+	+	+	+	-	86%
Morgan, Harvey B.	+		+	+	X	-	X		+	-	+	+	+	X	+	+	+	83%
Morrissey, Joseph D.	+		+	+	+	+			+	-	+	+	+	+	+	+	-	86%
Nichols, Paul F.	+		+	+	+	+			+	-	+	+	+	X	+	+	-	85%
Nixon, Samuel A., Jr.	+		+	+	+	-			+	+	-	+	+	+	+	+	+	86%
Nutter, David A.	+		+	+	+	-			+	+	+	+	+	+	+	+	+	93%
O'Bannon, John M., III	+		+	+	+	-			+	+	+	+	+	+	+	+	+	93%
Oder, G. Glenn	+		+	+	+	-			+	+	+	+	+	+	+	+	+	93%
Orrock, Robert D., Sr.	+		+	+	+	-	+		+	+	+	+	+	+	+	+	+	93%

2009 House Votes

Delegates	Insurance: Large Commercial Risk	Underinsured Motorist Coverage	State Employee Insurance Plans	Bioscience & Technology Research	Employment & Investment Projects	Eminent Domain Amendment	Greenhouse Gas Emissions	Bipartisan Redistricting Commission	Small Business Health Insurance	Mandated Benefit for Autism	Alternative Sewage Systems	Telephone Regulatory Alternatives	Biofuel Production	Taxes: Manufacturing Sales Factor	Pollution Control Tax Exemption	Workers' Compensation	Expanded Unemployment Benefits	Vote Percentage
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Peace, Christopher Kilian	+	-	+	+	+	-			+	+	+	-	+	+	+	+	+	80%
Phillips, Clarence E.	+		+	+	+	-			+	-	+	+	+	+	+	+	-	79%
Plum, Kenneth R.	+		+	+	+	+	-		+	-	-	+	+	+	+	+	-	73%
Pogge, Brenda L.	+		+	-	+	-	+		+	+	+	+	+	+	+	+	+	87%
Poindexter, Charles D.	+		+	+	+	-	+		+	+	+	+	+	+	+	+	+	93%
Poisson, David E.	+		+	X	+	X			+	X	X	+	+	+	+	+	-	90%
Pollard, Albert C., Jr.	+		+	+	+	+			+	-	-	-	+	+	+	+	-	71%
Purkey, Harry R.	+		+	+	+	-			+	+	+	+	+	X	+	+	+	92%
Putney, Lacey E.	+		+	+	+	-			+	+	+	+	+	+	+	+	+	93%
Rust, Thomas Davis	+		+	+	+	+			+	+	+	+	+	+	+	+	+	100%
Saxman, Christopher B.	+		+	+	+	-	+		+	+	+	+	+	+	+	+	+	93%
Scott, Edward T.	+		+	+	+	-	+		+	+	+	+	+	+	+	+	+	93%
Scott, James M.	+		+	+	+	+			+	+	-	+	+	X	+	+	-	85%
Shannon, Stephen C.	+		+	+	+	+	-		+	-	+	+	+	+	+	+	-	80%
Sherwood, Beverly J.	+		+	+	+	-	+		+	+	+	+	+	+	+	+	+	93%
Shuler, James M.	+		+	+	+	-	X		+	-	-	+	+	X	+	+	-	69%
Sickles, Mark D.	+		+	+	+	+			+	+	-	+	+	+	+	+	-	86%
Spruill, Lionell, Sr.	+		+	+	+	+			+	+	+	+	+	+	+	+	-	93%
Tata, Robert	+		X	+	+	-			X	+	+	+	+	+	X	+	+	91%
Toscano, David J.	+	-	+	+	+	+			+	-	-	+	+	+	+	+	-	73%
Tyler, Roslyn C.	+		+	+	X	+			+	-	-	+	+	+	+	+	-	77%
Valentine, Shannon R.	+		+	+	+	+			+	-	-	+	+	+	+	+	-	79%
Vanderhye, Margaret G.	+		+	+	+	+	-		+	-	-	+	+	+	+	+	-	73%
Ward, Jeion A.	+		+	+	+	+			+	X	-	+	+	+	+	+	-	85%
Ware, Onzlee	X		+	+	+	-			+	+	+	+	+	+	+	+	-	85%
Ware, R. Lee, Jr.	+		+	+	+	-	+		+	+	+	-	+	+	+	+	+	87%
Watts, Vivian E.	+		+	+	+	+			+	-	-	+	+	+	+	+	-	79%
Wright, Thomas C., Jr.	+		+	+	+	-	+		+	+	+	+	+	X	+	+	+	93%

The List of Chief Patrons

This list shows the legislators who were chief patrons of legislation used in the 2009 Virginia FREE Incumbent Evaluations that were **supported by business**.

Kathy J. Byron - Corporate income tax; apportionment for manufacturers
Charles J. Colgan - Economic development; incentive financing for major employment & investment projects
M. Kirkland Cox - Economic development; incentive financing for major employment & investment projects
R. Creigh Deeds - Bipartisan Redistricting Commission
Mark R. Herring - Bioscience and technology-related development
Janet D. Howell - Group life insurance coverage
Robert D. Hull - Alternative on-site sewage systems
Matthew J. Lohr - Zoning; on-farm production of biofuels
Daniel W. Marshall - Increasing availability of health insurance
Stephen H. Martin - Alternative on-site sewage systems
Jennifer L. McClellan - Insurance: large commercial risks
Samuel A. Nixon - State employee health insurance plan; mandated benefits
Samuel A. Nixon - Telephone regulatory alternatives; determination of competitiveness
Harry R. Purkey - Real & personal property taxes; exempts certain pollution control equipment & facilities
Harry R. Purkey - Workers' Compensation; therapeutically equivalent drug products
Richard L. Saslaw - Workers' Compensation; therapeutically equivalent drug products
Mark D. Sickles - Bioscience and technology-related development
Shannon R. Valentine - Bipartisan Redistricting Commission
Frank W. Wagner - State employee health insurance plan; mandated benefits
John C. Watkins - Increasing availability of health insurance

This list shows the legislators who were chief patrons of bills used in the 2009 Virginia FREE Incumbent Evaluations that were **opposed by business**.

Robert B. Bell, III - Constitutional amendment; taking of private property for public uses
John S. Edwards - Employment Law: Posting Requirements
Johnny S. Joannou - Underinsured motorist insurance coverage
Robert G. Marshall - Mandated health insurance for Autism
Donald McEachin - Drug-related personal injury actions; limitations
W. Roscoe Reynolds - Unemployment Compensation: Waiting Week Offset
W. Roscoe Reynolds - Motor vehicle liability insurance coverage limits; penalty
Richard H. Stuart - Fees in civil cases
Richard H. Stuart - Workers' Compensation; Presumption in Death Cases & Brain Injuries
Patricia S. Ticer - Mandated health insurance for prosthetic devices
Jill Holtzman Vogel - Mandated health insurance for Autism
Mary Margaret Whipple - Greenhouse gas emissions; Pollution Control Board to adopt regulations

A detailed explanation of these bills appears in Appendix B of this report.

Appendix A

Terms and Methods for Virginia FREE Evaluations

CUMULATIVE BUSINESS RATING:

Virginia FREE's Cumulative Business Rating indicates the average of each legislator's Virginia FREE Business Ratings from 1995 through 2009 or, for those taking office after 1995, the average from the legislator's first year in office through 2009. For some Senators, the Cumulative Business Rating includes prior service in the House of Delegates.

BUSINESS RATING:

The Virginia FREE Business Rating is the legislator's score based on Virginia FREE evaluations of incumbent performance on important business issues. Each legislator's Business Rating is determined by averaging the results of two tests:

- 1) Incumbent Voting Records on important business issues
- 2) The Virginia FREE Stewardship Evaluation of legislators

The Business Rating is on a 100-point scale where 100 is the highest possible rating.

Business Rating Scale

Base - Legislators with a Business Rating of *75 or above*;
consistent supporters of pro-business views.

Swing - Legislators with a Business Rating of *74-55*;
frequent supporters of pro-business views.

Occasional - Legislators with a Business Rating *below 55*;
occasional supporters of pro-business views.

VOTING RECORDS:

Virginia FREE compiles annual voting records of all General Assembly members on important legislation affecting business and industry. This evaluation does not portray a legislator's *complete* performance on important business issues. Nor does it include *all* legislation affecting business and industry. Rather, it provides a representative sample of important bills and votes affecting Virginia's business environment. Voting Record scores are combined with Stewardship Evaluations to determine each legislator's Business Rating.

To compile Voting Records, all Virginia FREE members are asked to submit at least five bills from each legislative session affecting their business interests and to indicate whether they favor or oppose each one. *Virginia FREE takes no position on legislation and therefore stringently follows the consensus position of its members.*

Members submit hundreds of bills each year to be considered for use in Voting Records. Bills and votes are then reviewed and selected by the Virginia FREE Evaluations Committee and approved by the Board of Directors.

To be included in Voting Record evaluations, a bill must meet the following criteria:

- 1) A meaningful vote must be recorded on the bill.
- 2) The bill must be of substantial concern to a broad base of business interests.
- 3) There must be a consensus position on the bill among Virginia FREE members & the Virginia FREE board of directors.

In this report, “Vote Percentage” is the percentage of votes cast by the legislator in support of the predominant business position on important business issues used in Virginia FREE voting records from the 2008 General Assembly session.

STEWARDSHIP:

The Stewardship Evaluation is the result of an annual survey of about 100 Virginia FREE member government affairs professionals to determine, in their informed opinions, the percentage of time each legislator can be counted on to advocate the best interests of business and industry. Stewardship Evaluation ratings are combined with Voting Records to determine a legislator's Business Rating.

To determine Stewardship Evaluations, Virginia FREE member government affairs professionals are asked to complete a confidential, anonymous survey in which they subjectively evaluate legislators on a 10-point scale from 10 - 100 where 100 represents the most pro-business score. In gauging the level of stewardship displayed by an individual legislator, survey participants are asked to consider the percentage of time each legislator can be counted on to advocate the best interests of business and industry in Virginia. They are asked to take into account each legislator's commitment to responsible governance that rises above partisanship and serves the long-term economic health and competitiveness of the Commonwealth. Survey participants are asked to also consider each legislator's willingness to advance measures that:

- Encourage economic development, business investment, job creation, and the efficient, productive use of government resources
- Protect Virginia's tradition of sound financial management and our favorable business environment

EFFECTIVENESS:

The Effectiveness Rating is the result of an annual survey of Virginia FREE member government affairs professionals to determine, in their informed opinions, how effective each legislator is in accomplishing his or her legislative objectives - without regard to the legislator's position on business issues.

To determine the Effectiveness Rating, Virginia FREE member government affairs professionals are asked to complete a confidential, anonymous survey in which they rate the level of effectiveness of each legislator on a 10-point scale from 10-100 where 100 represents extremely effective. The results of all survey forms are averaged to determine each legislator's Effectiveness Rating.

Appendix B

Summary of Bills & Votes Used in 2009 Voting Records

BANKING, INSURANCE & FINANCE

HB 1982 - Insurance: Large Commercial Risks

Patron: Jennifer L. McClellan

Supported by Business; Passed

Makes forms for commercial automobile insurance policies that are written to large commercial risks eligible for the exemption that currently exists for other insurance of large commercial risks. Currently, forms for writing commercial automobile insurance policies are excluded from the provision that exempts insurance of large commercial risks from requirements that policy forms be filed with, and approved by, the State Corporation Commission. As businesses evolve and their insurance risks become more complicated, this legislation will allow companies to craft insurance policies that are specific and unique to the business and now include their automotive risks. There are some restrictions however on how a "large commercial risk" is defined and can take advantage of the legislation.

Votes: 01/28/09 House: VOTE: --- PASSAGE (98-Y 0-N)
02/25/09 Senate: Passed Senate (40-Y 0-N)

HB 2431 Underinsured motorist insurance coverage

Patron: Johnny S. Joannou

Opposed by Business; Failed in the House

Would have provided a mechanism for a motor vehicle liability insurer to settle a claim for bodily injury or death for an amount that would exhaust its policy limits. Notice of the offer is required to be sent to any insurer providing uninsured motorist coverage. If the insurer consents to the liability insurer's tentative policy limits settlement offer, it will thereby waive its subrogation rights against the tortfeasor and his insurer. The measure also provides that the liability insurer of a tortfeasor, after paying the limits of liability under its policy and obtaining the court's approval, shall be released from further liability and the obligation to participate in the defense of an action against a tortfeasor for damages, including death, caused by the operation of an underinsured motor vehicle. Underinsured motorist insurance companies sometimes receive pressure to enter into a complaint prior to cause of actions being determined. This legislation would have provided incentives for some insurance carriers to "bail on their client" early with insurance proceeds not necessarily being paid to the injured party and possibly used by trial attorneys for covering litigation. The legislation might also have caused a "race to the courthouse" with some injured parties not being able to recover.

Vote: 02/02/09 House: Subcommittee recommends reporting with amendments (7-Y 2-N)

SB 945 Group life insurance coverage

Patron: Janet D. Howell

Supported by Business; Passed the Senate & failed in the House

Would have allowed coverage under a group life insurance policy to be extended to insure any class of persons as may mutually be agreed upon by the insurer and the group policyholder. When unemployment is low businesses need the flexibility to create employee benefit packages that attract and maintain a competitive workforce. Life insurance plans can be an attractive employee benefit. However, current law restricts how an employer can craft a life insurance package for their employees. SB 945 would have provided flexibility in plans for their employees or prospective employees.

Vote: 01/30/09 Senate: Read third time and passed Senate (32-Y 7-N)

SB 1351 and HB 2557 State employee health insurance plan; mandated benefits

Patrons: Samuel A. Nixon and Frank W. Wagner

Supported by Business; Passed

Provides that any law effective on or after July 1, 2009, that provides for an insurance mandate for policies of accident and health insurance shall also apply to health insurance plans for state employees. The measure also requires the Department of Human Resource Management to report to the Special Advisory Commission on Mandated Health

Insurance Benefits on cost and utilization information for each of the mandated benefits. Simply put, as legislators decide what mandated benefits small businesses must provide in their health insurance packages, this legislation would specify that if there is to be a mandated benefit included in small business health plans, then similar benefits must be extended to the health plans provided to state employees.

Votes: SB 1351: 02/06/09 Senate: Read third time and passed Senate (39-Y 0-N)
HB 2557: 02/25/09 House: VOTE: --- ADOPTION (97-Y 0-N)

SB 1360 Motor vehicle liability insurance coverage limits; penalty.

Patron: W. Roscoe Reynolds

Opposed by Business; Failed in Senate Committee

Would have increased the minimum motor vehicle liability insurance coverage amounts from \$25,000 to \$100,000 in cases of bodily injury to or death of one person, from \$50,000 to \$300,000 in cases of bodily injury to or death of more than one person in any one accident, and from \$20,000 to \$100,000 for property damage coverage. The measure also repeals provisions that allow for the registration of uninsured motor vehicles upon payment of a \$500 uninsured motor vehicle fee and that provide for disposition of such funds through the Uninsured Motorist Fund. The penalty for violating certain requirements regarding the registration and operation of uninsured motor vehicles is increased from a Class 3 misdemeanor to a Class 1 misdemeanor. The new minimum financial responsibility (FR) limits imposed by this bill would have impacted nearly one half of all Virginia insureds, with premium increases of up to 42%. All Virginia insureds would have seen their uninsured motorist (UM) coverage increase in cost. The very people who could least afford these increases would have been the ones hardest hit. In this economy, hundreds of thousands of people are dropping their existing auto insurance, and 42% premium increases would not bring them back. This bill would only exacerbate the uninsured motorist problem that exists today.

Vote: 2/9/09 Passed by indefinitely in Senate Courts (13-Y 1-N)

CIVIL JUSTICE

SB 885 Drug-related personal injury actions; limitations.

Patron: Donald McEachin

Opposed by Business; Failed in Senate Committee

Would have extended the two-year statute of limitations for personal injury actions in cases where the injury (i) is latent or by its nature not discoverable at the time of its occurrence and (ii) is the result of the ingestion of or exposure to a drug, for a period of one year from the date the injury is discovered or reasonably should have been discovered. Virginia has very carefully limited the exceptions to the two year statute of limitations for personal injury actions, to cases where the conduct of the defendant prevented the plaintiff from becoming aware of their injury and where the defendant had exclusive knowledge of the injury they caused the plaintiff to suffer. This bill was aimed at one class of product manufacturer, not because of any conduct on their part, but merely because of the type of product they sold. This represents a fairly radical departure from the exceptions that currently exist to allow a "discovery rule" to extend the two year limitations period. The issue of determining when an injury is sustained by an individual taking a particular medication over an extended period of time is something that Virginia courts can and do address on a case by case basis, and it should be left in their hands.

Vote: 2/9/09 Passed by indefinitely in Senate Courts (15-Y 0-N)

SB 916 Fees in civil cases.

Patron: Richard H. Stuart

Opposed by Business; Failed in the Senate

Would have increased the fee for filing any civil action in general district court to \$100 (currently \$27); and increases the fees for filing a civil action in circuit court to a sliding scale (currently, between \$60 and \$160): in cases seeking recovery up to \$50,000 - fee is \$150; up to \$100,000 - \$200; up to \$250,000 - \$300; up to \$500,000 - \$400; up to \$1,000,000 - \$500; and above \$1,000,000 - \$750. Businesses in particular would have been hard hit if this bill had passed. In a failing economy such as the one we are in now, marked by massive job losses, foreclosures and defaults on revolving credit accounts, nearly quadrupling the filing fee on debt collection cases under \$15,000 would have had a very serious impact on the bottom line of banks, credit card companies and retailers. Such costs are inevitably passed on to consumers.

Vote: 1/21/09 Passed by indefinitely in Senate Courts (12-Y 3-N)

ECONOMIC DEVELOPMENT

HB 2444 and SB 1338 Bioscience and technology-related development

Patrons: Mark D. Sickles and Mark R. Herring

Supported by Business; Passed

Changes the Code of Virginia to encourage research, development, and commercialization of advancements in science and technology in the Commonwealth. The bill changes the existing Commonwealth Technology Research Fund to the Commonwealth Research Commercialization Fund to better focus the moneys available under this program to key areas of research and development in the Commonwealth, to emphasize the importance of commercialization of research and development through matching-funds programs and the leveraging of private and federal funds for commercialization activities, and to provide a loan program for the construction of facilities utilized in commercializing qualified research. Additionally, the bill amends the existing qualified equity and subordinated debt investment tax credit (Angel Investor Tax Credit) to target state resources to better encourage early stage investments in science and technology-related businesses, and to encourage private sector investment in companies created as a result of research efforts at Virginia research universities.

Virginia's economic future is tied directly to the commercialization of new products and services derived from research at our higher education institutions and companies. This legislation improves the linkage between research and commercialization and refocuses tax incentives to high growth economic sectors including high-tech companies and businesses engaged in commercialization of university-based research. The business community vastly preferred the language contained in SB 1338 as it passed the Senate on January 30, 2009, as compared to the version that came out of the House on February 9, 2009. It is regrettable that a straightforward, modestly conceived, economic development bill to provide additional incentives for high tech and bio-tech companies to invest in Virginia, to create important high paying jobs in Virginia, had to become the rallying point for those who would trump business and commerce ideals with narrow ideological concerns. The insistence upon the inclusion of language to prohibit certain businesses from enjoying the benefits of the bill if they should be engaged in perfectly legal embryonic stem cell research does nothing to enhance the Commonwealth's reputation as a business friendly environment, and in fact has the opposite impact. This issue needs to be revisited in future years.

Votes: HB 2444 02/09/09 House: VOTE: --- PASSAGE (89-Y 10-N)
SB 1338 01/30/09 Senate: Passed Senate (35-Y 4-N)

HB 2550 and SB 1119 Economic development; incentive financing for major employment and investment projects

Patrons: M. Kirkland Cox and Charles J. Colgan

Supported by Business; Passed

Authorizes the Virginia Public Building Authority and the Virginia Resources Authority to finance economic development initiatives for major employment and investment projects (MEI projects) performed by state and local government entities. An MEI project is defined as a high impact regional economic development project in which a private entity is expected to make a capital investment in real and tangible personal property exceeding \$250 million and create more than 400 new full-time jobs, and is expected to have a substantial direct economic impact on surrounding communities. The bill also establishes the MEI Project Approval Commission to review financing for individual incentive packages for MEI projects to be financed by the Virginia Public Building Authority.

Leveraging limited financial resources is increasingly a key component in Virginia's economic development strategy. Virginia is in heated competition with other states, including our neighbors in Maryland and North Carolina, to attract major business investment and jobs. This legislation would enhance our competitive edge and better enable Virginia to attract major business investment across the state.

Votes: HB 2550 02/28/09 House: Conference report agreed to by House (92-Y 0-N)
HB 2550 02/28/09 Senate: Conference report agreed to by Senate (38-Y 0-N)

EMINENT DOMAIN

HJ 725 Constitutional amendment; taking of private property for public uses

Patron: Robert B. Bell, III

Opposed by Business; Passed the House and Failed in Senate Committee

Would have limited the exercise of eminent domain to the purpose of public use and specifies that, with the exception of takings for the provision of any utility or common carrier service, property can only be taken or damaged where the primary purpose is not private financial gain, private benefit, an increase in tax base or tax revenues, or an increase in employment. No more private property may be taken than that which is necessary to achieve the stated public use. Whenever an attempt is made to take or damage property for a stated public use, the owner shall have the right to a judicial determination that the use is truly public, without regard to any legislative assertion that the use is public. This resolution incorporates HJ 728.

Business opposition to this constitutional resolution that adopted verbatim language from the statute was based on the need to have the language interpreted by the courts so business would know whether the language says what we think it means. Once the language was in the state Constitution, it would be too late for this interpretation to occur.

Votes: 02/10/09 House: VOTE: --- ADOPTION (68-Y 31-N)
02/17/09 Senate: Passed by indefinitely in Privileges and Elections (8-Y 7-N)

ENVIRONMENT

SB 1145 Greenhouse gas emissions; State Air Pollution Control Board to adopt regulations requiring reporting.

Patron: Mary Margaret Whipple

Opposed by Business; Passed the Senate and Failed in House Committee

Would have provided for the State Air Pollution Control Board to adopt regulations requiring the reporting of greenhouse gas emissions from approximately 530 stationary sources. Another provision of this legislation attempted to require the Virginia Department of Transportation to provide the Department of Environmental Quality with data necessary to maintain a greenhouse gas emissions inventory for roads throughout the Commonwealth, beginning in 2010. The Board would have also been authorized to establish a voluntary program allowing persons to register voluntary reductions in direct or indirect emissions of greenhouse gases. The voluntary program may have included the reporting of reductions in emissions from motor vehicle fleets owned by persons otherwise required to report emissions from stationary sources. For Virginia to put these types of mandatory reporting requirements in place ahead of the federal government would have been the first time in the history of the Commonwealth for that type of action to occur. Business also viewed this as a precursor to mandatory reporting of greenhouse gas emissions at the state level and a potentially redundant regulation to the imminent greenhouse gas reporting requirements of the U.S. EPA that were released in draft format in March 2009.

Votes: 02/09/09 Senate: Read third time and passed Senate (22-Y 18-N)
02/18/09 House: Tabled in Agriculture, Chesapeake and Natural Resources (12-Y 8-N)

GOVERNANCE

HB 1685 and SB 926 Bipartisan Redistricting Commission

Patrons: Shannon R. Valentine and R. Creigh Deeds

Supported by Business; Passed the Senate and Failed in House Subcommittee

Would have established a seven-member temporary commission to prepare redistricting plans in 2011 and each tenth year thereafter for the House of Delegates, state Senate, and congressional districts. Appointments to the Commission shall be made one each by the four majority and minority party leaders of the House and Senate and by the state chairmen of the two major political parties. Those six appointees shall appoint the seventh member and chairman for the Commission. If they cannot agree, they shall submit the names of the two persons receiving the most votes to the Supreme Court for the Court to select the chairman. The Commission will prepare plans and submit them as bills to the General Assembly. The General Assembly shall then proceed to act on the bills in the usual manner. The bill provides for Commission comments on plans as they change in the legislative process. It also spells out the standards and process to be followed by the Commission in preparing plans, including limitations on the use of political data and opportunities for public comment on the plans.

Business strongly supports the establishment of an independent, nonpartisan redistricting commission to propose new legislative and congressional district boundaries following the census in 2010. The objective in district mapping should not be the preservation of political power and incumbent protection. Rather, districts should be drawn to achieve contiguity, the preservation of communities of interest, compactness, equality of population, and respect for existing political subdivisions and the Voting Rights Act. Bipartisan redistricting is successfully used in a dozen states across the nation to achieve fair, balanced and competitive districts and to remove partisan gain as the prime objective of the

process. Business believes that bipartisan redistricting in Virginia will promote responsive politics and responsible government.

Votes: SB 926 02/02/09 Senate: Read third time and passed Senate (39-Y 0-N)
HB 1685 01/19/09 House: Subcommittee recommends passing by indefinitely (4-Y 2-N)

HEALTH CARE

HB 2024 and SB 1411 Increasing availability of health insurance

Patrons: Daniel W. Marshall and John C. Watkins
Supported by Business; Passed

Allows health insurers to offer and sell group health insurance policies or contracts that do not include state mandated health insurance benefits to employers with 50 or fewer employees to provide coverage for employees. Such a group policy or contract may include any, or none, of the state-mandated health benefits as the health insurer and the qualified small employer agree. This legislation comes out of discussions in the Small Business Commission and is an attempt to make health insurance more affordable for small businesses to provide to their employees and would generally allow small businesses with 50 or fewer employees to work with an insurer to create a health coverage plan with the coverages and benefits that the employer feels are necessary.

Votes: HB 2024 02/26/09 House: VOTE: --- ADOPTION (95-Y 1-N)
SB 1411 02/25/09 Senate: House substitute agreed to by Senate (37-Y 0-N)

HB 1588 and SB 1260 Mandated health insurance for Autism

Patrons: Robert G. Marshall and Jill Holtzman Vogel
Opposed by business; Each bill failed in its chamber of origin

Would have required health insurers, health care subscription plans, and health maintenance organizations to provide coverage for the diagnosis and treatment of autism spectrum disorder in individuals under age 21. Coverage would be subject to an annual maximum benefit of \$36,000. Examples of services in the mandate include applied behavior analysis and habilitative services. Virginia already has a mental health parity mandate that includes coverage of medical services for individuals with autism. These bills propose to create one of the most expensive mandated benefits in Virginia, whose cost would be born by small and medium sized employers. Advocates of the bill estimate the cost of the mandate at \$1.90 per member per month, which would total over \$41.4 million in yearly premium increases for the fully insured group market. Although the potential increase in insurance costs is high, less than 30 percent of Virginia's population would have access to the services included in the bills.

Votes: HB 1588 02/09/09 House: Motion to discharge from Commerce and Labor rejected (32-Y 63-N 1-A)
SB 1260 02/10/09 Senate: Reported from Finance with amendment (11-Y 5-N)

Statements of intent on House vote:

Delegate BaCote recorded as yea. Intended to vote nay.
Delegate Carrico recorded as yea. Intended to vote nay.
Delegate Morgan recorded as yea. Intended to vote nay.
Delegate Scott J.M. recorded as nay. Intended to vote yea.
Delegate Ward recorded as not voting. Intended to vote nay.

SB 1116 Mandated health insurance for prosthetic devices

Patron: Patricia S. Ticer
Opposed by business; Passed

Requires health insurers, health care subscription plans, and health maintenance organizations to offer and make available coverage for medically necessary prosthetic devices, their repair, fitting, replacement, and components, to replace a limb. As passed by the House and Senate, the bill creates a new mandated benefit that health insurers must offer to individuals and groups seeking coverage in the fully insured market. The mandated offer stipulates that annual or lifetime caps on prosthetic benefits cannot be applied unless the cap applies to all services covered by the plan. In addition coinsurance for prosthetics cannot exceed thirty percent. Prior to passage of the mandated offer most health plans offered some form of basic coverage for prosthetics. The expansiveness of that benefit varied from very basic with a low dollar amount of coverage to plans providing prosthetic benefits without a cap with varying amounts of cost-sharing. The difficulty with mandated offers is that they often result in adverse selection with individuals most likely to use the benefit deciding to

purchase the additional coverage. Then because of increased utilization, the cost of the mandated offer goes up, pricing the additional coverage out of the reach of many individuals and groups who would normally serve to help balance out costs.

Vote: 01/26/09 Senate: Reported from Commerce and Labor (8-Y 7-N)

REGULATION

HB 1788 and SB 1276 Alternative on-site sewage systems

Patrons: Robert D. Hull and Stephen H. Martin

Supported by business; Passed

Clarifies the locality's power to regulate non-conventional sewage disposal systems by prohibiting localities from prohibiting the use of such systems. Several local governments in Virginia have recently denied landowner applications or placed moratoriums on the ability to install Virginia Department of Health (VDH) approved Alternative Septic Systems, which enable landowners to enjoy their acquired property rights. These systems have been approved for use in Virginia by the VDH for over 25 years. This new septic system technology allows land development (business and residential growth) in areas of the Commonwealth not served by public sewer systems or whose area soils or topography do not allow for the use of conventional septic systems. The effluent discharged from Alternative Septic Systems is also much cleaner and better for the environment.

Votes: 02/10/09 House: Passed House (57-Y 42-N)

02/10/09 Senate: Read third time and passed Senate (35-Y 5-N)

HB 1885 Telephone regulatory alternatives; determination of competitiveness

Patron: Samuel A. Nixon

Supported by business; Passed

Requires the State Corporation Commission, when determining whether the telephone services of a telephone company are competitive, to consider all wireless communications providers that offer voice communications services to be facilities-based competitors owning wireline network facilities and reasonably meeting the needs of consumers. In making its determination, the Commission shall not exclude as a competitor any affiliate of the telephone company. The measure also requires the Commission, if it determines that 75 percent or more of residential households or businesses in a telephone company's incumbent territory are in areas that are competitive for a telephone service, to expand, for that telephone service throughout the company's incumbent territory, its competitive determination. In such cases, the Commission is further required to apply the same regulatory treatment already adopted for that telephone service in competitive areas. The same regulatory treatment shall be applied if a telephone company provides 90 percent or more of its residential and business lines access to fiber-optic or copper-based broadband service within an exchange area.

This legislation brings regulation more in line with Virginia's competitive market for voice communications services and reduces the cost and delay caused by regulation while preserving the consumer safeguards deemed appropriate by the Commission. The bill requires the SCC to recognize that customers view wireless as a competitor to landline when choosing a voice provider and provides a more cost effective method for a company to achieve a single regulatory framework across its entire territory once 75% of its offices are found to be competitive under the SCC's test. It also preserves the SCC's consumer safeguards, including the \$1 and \$3 cap on annual increases in monthly rates for residential and business dialtone, respectively.

Votes: 01/29/09 House: Read third time and passed House (86-Y 11-N 2-A)

02/19/09 Senate: Passed Senate (36-Y 3-N)

Statements of intent on House vote:

Delegate Cline recorded as nay. Intended to vote yea.

Delegate Frederick recorded as not voting. Intended to vote yea.

Delegate Griffith recorded as yea. Intended to vote nay.

Delegate Marshall D.W. recorded as yea. Intended to vote nay.

Delegate Ware R.L. recorded as nay. Intended to vote yea.

HB 2165 Zoning; on-farm production of biofuels

Patron: Matthew J. Lohr

Supported by business; Passed

Allows the small-scale production of alternative energy from agricultural-related materials on farms without having to obtain a special exception or special use permit from the locality. The measure encourages entrepreneurship in biofuels production, reduces dependence on costly fossil fuels for energy, and provides opportunities for diversity of farming operations.

Votes: 02/04/09 House: Read third time and passed House BLOCK VOTE (98-Y 0-N)
02/23/09 Senate: Passed Senate (40-Y 0-N)

TAXES

HB 2437 Corporate income tax; apportionment for manufacturers

Patron: Kathy J. Byron

Supported by business; Passed

Allows manufacturers to elect an apportionment formula of multiplying their income by the sales factor or using the formula prescribed for other businesses, whether the manufacturers have a sales factor or not. The provisions of the bill would be effective beginning July 1, 2011, and would be phased in with the apportionment formula having a 100 percent sales factor by 2014. The election of a single sales factor is conditioned upon employment and wage levels. This legislation will allow for manufacturers with high payroll and property in Virginia and sales outside of Virginia to effectively reduce their corporate income tax burden. The legislation is similar to 20+ other states and aimed at improving Virginia's manufacturing sector.

Votes: 02/18/09 Senate: Passed Senate with substitute (40-Y 0-N)
02/18/09 House: Senate substitute agreed to by House (88-Y 0-N)

Statements of intent on House vote:

Delegate BaCote recorded as not voting. Intended to vote yea.

Delegate Hugo recorded as not voting. Intended to vote yea.

Delegate Massie recorded as not voting. Intended to vote yea.

HB 2084 Real and personal property taxes; exempts certain pollution control equipment & facilities

Patron: Harry R. Purkey

Supported by business; Passed

Exempts certified pollution control equipment and facilities from all state and local property taxes. The reduction in taxation of certified pollution control equipment and facilities will remove a disincentive to investing in control technology and provides equity for those that are required to purchase pollution control equipment to comply with Federal and State environmental regulations. This legislation is similar to 20+ other states that have eliminated or partially eliminated the taxation of machinery and tools in order to improve the competitiveness of their manufacturing sector.

Votes: 02/25/09 Senate: Passed Senate with amendments (39-Y 0-N)
02/26/09 House: Senate amendments agreed to by House (96-Y 1-N)

WORKPLACE

SB 1495 Unemployment Compensation; Governor's Amendments

Governor's Amendments Opposed by Business; Passed the Senate, Failed in the House

The Governor's amendments to SB 1495 were intended to qualify Virginia for federal stimulus package money that would have permanently expanded benefits – for the first time - to part time workers who are looking only for part time work and to those in approved job training programs. In exchange, \$125 million in FUTA funds would have been made available to offset, in part, the costs of making the law change.

Business opposed the amendments for several reasons. First, it amounts to an unfunded mandate, permanently expanding unemployment benefits with temporary funding. When the FUTA monies are exhausted, Virginia employers will be left to foot the bill. Second, the proposed expansion of benefits would increase taxes on jobs and employers and deplete the state's unemployment trust fund. Even without these law changes, the state's trust fund solvency level will dip to 38.5% in June, 2009 and to 20% by June 2010. By next year Virginia will start borrowing money from the federal government to pay existing, not expanded, benefits. We also know now that the average state tax on jobs –

even without these law changes – will go from \$98 per job this year to \$159 per job next year, and to \$199 per job in 2012. These changes will not help this situation when the federal monies run out. Expanding benefits by an estimated \$125 million while knowing that the trust fund will soon be fully depleted at current benefit levels, is not a responsible long-term approach to managing Virginia’s unemployment insurance program.

Finally, the business community cares deeply about the financial challenges facing our fellow Virginians. This is why business firmly supported the expansion of UI benefits to 59 weeks, the extension of health insurance benefits beyond the traditional six-month period, and supported legislation to keep some of the lowest income workers in Virginia on the UI rolls for a year beyond a looming deadline of July 1, 2009.

Votes: 04/08/09 Senate concurred in Governor’s recommendations (21-Y 19-N)
(lines 133-136, 169-172, 257, 258 of Governor’s recommendations)
04/08/09 House rejected Governor’s recommendation (46-Y 53-N)

HB 1674 and SB 1158 Workers' Compensation; therapeutically equivalent drug products.

Patrons: Harry R. Purkey and Richard L. Saslaw
Supported by business; Passed

Requires a pharmacist filling a prescription for medication for a workers' compensation claim to dispense a therapeutically equivalent drug product for a prescribed name-brand drug product. However, the pharmacist shall fill the prescription with the name-brand drug product prescribed if (i) a therapeutically equivalent drug product does not exist or the usual and customary retail price for it is higher than that of the prescribed name-brand drug product or (ii) the prescriber specifies on the prescription "brand medically necessary" based on a medical reason why the claimant should not have the prescription filled with a therapeutically equivalent drug product. A prescriber may direct that a prescription is "brand medically necessary" by verbal instructions in a telephone call. The costs of medication prescribed in connection with a compensable claim are not the responsibility of the claimant unless the prescription is obtained through fraud.

The cost of workers compensation insurance affects nearly every business in the Commonwealth. One of the biggest cost drivers to the workers compensation loss costs over the last decade has been in the area of prescription drug expenses. Where therapeutically equivalent drugs are available and not contraindicated to the patient, significant cost savings can be achieved over the cost of brand name medications, providing a benefit to all who must purchase workers compensation without reducing or sacrificing the quality of health care afforded to injured workers. Virginia joins approximately thirty (30) other states with similar legislation with the passage of these two bills.

Votes: HB 1674 02/04/09 House: VOTE: BLOCK VOTE PASSAGE (98-Y 0-N)
SB 1158 02/06/09 Senate: Read third time and passed Senate (39-Y 0-N)

SB 821 Workers' Compensation; Presumption in Death Cases & Brain Injuries

Patron: Richard H. Stuart
Opposed by Business; Failed in Senate Committee

Creates a “presumption” that a workplace injury is covered by the Act if the employee suffers a brain injury resulting from an external mechanical force that impairs the employee's brain function to such an extent that the employee is incapable of recalling the relevant circumstances of the accident. It also expands a judicially created “presumption” that currently exists when an employee is found dead as the result of an accident at his place of work and there is no evidence offered to show what caused the death or to show that he was not engaged in his employer's business at the time.

In both cases, business expenses would be increased through more extensive and protracted litigation because a statutory presumption is difficult to contest and overcome. Current law provides an adequate remedy for these cases and should be continued.

Vote: 01/26/09 Senate: Failed to report in Commerce & Labor (4-Y 11-N)

SB 917 Unemployment Compensation: Waiting Week Offset

Patron: W. Roscoe Reynolds
Opposed by Business; Failed in Senate Committee

Provides that an individual’s weekly unemployment benefit shall not be reduced or offset by wages earned from another position that the individual has held continuously at least since the week preceding the job separation. Currently, a

partially unemployed individual's weekly benefit amount is reduced or offset - on a dollar-for-dollar basis - by any wages that he earns in that week in excess of \$50.

This expansion would have resulted in higher unemployment taxes on employers and jobs, and would have provided a disincentive for partially employed individuals to return to full time employment as soon as possible.

Vote: 01/26/09 Senate: Passed by indefinitely in Commerce & Labor (12-Y 1-N)

SB 860 – Employment Law: Posting Requirements

Patron: John S. Edwards

Opposed by Business in the Senate; Passed

As introduced, would have required every employer to notify all new hires – both orally and in writing - that they may be eligible for federal and state earned income tax credits and may either apply for the credit on their tax returns or receive the credit in advance payments during the year. Also would have required every employer to post the same notice and pay a penalty (\$100 - \$250) for failure to comply with these requirements.

The measure, as introduced, placed an additional and potentially costly burden on employers that could best be performed by others. The measure as amended by business in the House and passed merely requires employers to post any such notice that may be provided by the Department of Social Services.

Vote: 01/30/09 Senate: Passed Senate (21-Y 18-N)