

*Virginia*  
★ **FREE** ★

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*2010 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 Sleight of Hand, Economic Development and Acute Transportation Needs*



## Embedding Public Policy in the Budget

Virginia's budget, passed by the General Assembly in March 2010 and balanced – according to lawmakers – “without a tax increase,” actually contained an array of increased taxes on business and industry that spotlight the onerous practice of “embedding” public policy in the state budget and raising taxes without calling the roll.

Chief among these was a phase-out of the domestic production deduction already allowed under current state law. The deduction encourages production to stay in Virginia by lessening the lure of lower taxes overseas. Manufacturers, construction contractors, energy producers, software developers, mining companies, film production, engineers and architects are among the businesses that benefit from this business-friendly policy. It applies to C corporations, S corporations, partnerships and individuals.

Legislators, in an effort to “find new money” during these difficult economic times, decided to phase out this deduction. Doing that would impose a sizeable tax increase on those industries losing the deduction. The Virginia Manufacturers Association pegged the increased cost to business at \$75 million in 2010 – 2012 and estimated that this tax increase would cost 6,400 Virginia jobs over the biennium. Much to his credit, Governor Bob McDonnell sought and won General Assembly approval to restore most of the deduction during the one-day reconvened legislative session in April.

Business and industry do not approve of embedding tax and fee increases into an all-encompassing budget bill. This practice avoids proper vetting through the legislative process and leaves lawmakers with an all-or-nothing choice. Stand-alone bills to fully conform Virginia to the Internal Revenue Code and thus preserve the full domestic production deduction were moving decisively through the regular session of the General Assembly until they were buried without a vote in the House Appropriations Committee. New and significant tax policy was then created by quietly inserting language in the budget to phase out the deduction.

The public policy decision involved in this de facto income tax increase extends beyond the tax itself. How will Virginia continue to rank as the #1 State for Business when it embeds an income tax increase in a budget bill where little debate or sunshine will ever reach the issue? This action alone represents for many the fiscal maneuvering in Washington, D.C. today that is inspiring a nationwide grass roots reaction to Congressional actions. Companies, partnerships and individuals that depend upon stable tax policies to create and retain jobs have diminished trust in the Virginia legislature because of this process.

Similar examples of legislating by the budget were all too common in this year's session. Notable tax policy embedded in the spending blueprint included elimination of the dealer discount and adding back the accelerated sales tax on retailers. In the case of the accelerated sales tax payment mandate, the Commonwealth effectively borrows cash from retail businesses without compensating them. Elimination of the dealer discount would require retailers to collect and remit sales taxes for the Commonwealth without compensation. Numerous fee increases also quietly made their way into the budget after failing to

win approval in the normal legislative process. Examples include hikes in hazardous and solid waste permitting fees offered in SB 234 and SB 235. Both bills were tabled in House committees, but the fee increases were subsequently written into the budget. Massive court filing fees entailed in SB 329 offer yet another example of this breach of accepted procedure.

In addition to the drastic increase in costs businesses would incur as a result of this legislation, it also held significant ramifications for Virginia's court system in terms of access to justice and for outlying budgets. By establishing court fees – historically utilized to cover the costs of service provided – as a new major profit center designed to plug shortfalls in the funding of general fund programs, SB 329 set precedent that other constituencies will no doubt look to leverage in future budget cycles.

The measure inspired the formation of one of the most broad-based business coalitions in recent memory, united to oppose its passage. After passing the Senate by the narrowest of votes, the bill met heavy opposition in the House of Delegates and was killed. Yet, the measure still found its way into closed-door budget negotiations. Though the impact was ultimately reduced substantially, stakeholders were robbed of the opportunity to make their voices heard in an open, public forum and Virginians were saddled with additional fees that were defeated by means of the traditional legislative process.

Public policy decisions should be made in the bright light of day, with full debate and recorded votes by duly elected representatives. Substantive tax and spending policies should not be quietly inserted in a huge budget bill that is then put before lawmakers for an all-or-nothing vote. Open, predictable and stable tax policies are essential to Virginia businesses' ability to meet their obligations to their stockholders, employees, customers and suppliers. Changing the tax and fee "rules of the game" by writing policy into the budget without debate is legislative sleight of hand. It is intended only to circumvent the legislative process and shield lawmakers from public scrutiny.

## Economic Development Package

Governor Bob McDonnell's steadfast support of economic development issues, even in difficult economic times, is to be applauded. The Governor's jobs package of economic development bills enjoyed bi-partisan support and is among the more notable accomplishments in the 2010 legislative session. The legislature provided new investment of \$50 million in economic development including a deposit of \$18 million in the Governor's Opportunity Fund.

Key initiatives offered by the Governor and enacted by the General Assembly include the creation of an industrial mega-site fund to assist in large economic development projects; establishing state economic development offices in the United Kingdom, China and India; a change in various thresholds for tax credits in bio-technology; increased state funding for the Virginia Tourism Corporation; and an increase in the jobs investment program. There were also a number of other key elements in economic development bills that will provide professionals with the tools necessary to help accelerate and sustain employment in the Commonwealth.

It is noteworthy and commendable that substantial state appropriations used to attract new business investments and jobs to the Commonwealth were made within a budget cycle that included a \$4.2 billion shortfall.

# Transportation Funding

Despite continuing stress on Virginia's budget, the record of the 2010 Virginia General Assembly is marred by its glaring failure to address an acute transportation funding shortfall conservatively estimated at \$1 billion a year.

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 -- especially now -- in stressful economic times. The need is large, complex and growing. Yet, 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 prove insurmountable barriers in the pursuit of meaningful, long-range solutions for transportation. No process could be less business-like than this political gridlock. The General Assembly has not only a shortage of transportation dollars, but also a shortage of courage and leadership needed to elevate good governance above rigid partisan dogma.

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. The passage of legislation allocating possible future royalties from offshore drilling, and the desire to some day privatize liquor sales in the Commonwealth, do not answer the pressing, immediate needs of our transportation system.

Business location, expansion, retention and existing operations depend heavily on Virginia's transportation systems. Companies require 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.

Core government responsibilities include public safety, education, healthcare, transportation, energy and the 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. We therefore call upon our elected officials to put Virginia first, and begin immediately to address the acute and growing need for significant additional transportation funding.



## *Part 1 – 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 2010 or, for those taking office after 1995, the average from the legislator’s first year in office through 2010. For some legislators, the Cumulative Business Rating includes prior service in the Virginia General Assembly, such as occurs when a Delegate is elected to the Senate.

**Business Rating:**

The legislator’s score based on Virginia FREE evaluations of incumbent performance on important business issues in the 2010 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 2010 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.

*\*\* Delegate Eileen Filler-Corn was elected in a special election in March 2010 and did not serve long enough in this legislative session to be evaluated.*

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

VAFREE Incumbent Evaluations ★ Senate Summary Results

District	Senator	Cumulative Business Rating	2010 Business Rating	2010 Vote Percentage	2010 Stewardship	2010 Effectiveness
S039	Barker, George L.	56	60	64%	56	54
S014	Blevins, Harry B.	77	70	64%	76	61
S029	Colgan, Charles J.	75	70	60%	80	82
S025	Deeds, R. Creigh	60	52	50%	54	53
S021	Edwards, John S.	52	50	46%	53	54
S024	Hanger, Emmett W., Jr.	79	83	90%	76	65
S033	Herring, Mark R.	63	61	50%	72	68
S017	Houck, R. Edward	64	63	55%	71	81
S032	Howell, Janet D.	60	60	58%	62	74
S019	Hurt, Robert	79	82	82%	81	73
S002	Locke, Mamie E.	55	56	55%	57	61
S018	Lucas, L. Louise	56	59	67%	50	57
S037	Marsden, David W.	63	63	60%	66	59
S016	Marsh, Henry L., III	52	54	64%	44	52
S011	Martin, Stephen H.	76	81	91%	71	52
S004	McDougle, Ryan T.	71	85	91%	79	70
S009	McEachin, A. Donald	48	43	38%	48	62
S008	McWaters, Jeffrey L.	89	89	100%	77	59
S001	Miller, John C.	64	67	73%	61	56
S005	Miller, Yvonne B.	43	49	50%	48	55
S023	Newman, Stephen D.	80	88	100%	76	66
S003	Norment, Thomas K., Jr.	83	80	77%	82	88
S006	Northam, Ralph S.	61	64	55%	73	69
S026	Obenshain, Mark D.	70	83	91%	75	68
S034	Petersen, Chap	62	59	64%	53	55
S038	Puckett, Phillip P.	68	72	67%	76	70
S036	Puller, Toddy	60	59	54%	63	62
S013	Quayle, Frederick M.	75	71	67%	74	64
S020	Reynolds, Wm. Roscoe	67	67	73%	60	43
S015	Ruff, Frank M., Jr.	78	74	73%	75	59
S035	Saslaw, Richard L.	68	71	64%	78	89
S022	Smith, Ralph K.	71	84	100%	67	44
S012	Stosch, Walter A.	86	87	83%	90	83
S028	Stuart, Richard H.	70	69	70%	68	61
S030	Ticer, Patricia S.	54	48	50%	46	50
S027	Vogel, Jill Holtzman	68	73	70%	75	64
S007	Wagner, Frank W.	84	89	92%	85	79
S040	Wampler, William C., Jr.	76	80	75%	84	86
S010	Watkins, John	85	89	92%	85	81
S031	Whipple, Mary Margaret	53	44	36%	51	70

## VAFREE Incumbent Evaluations ★ House Summary Results

District	Delegate	Cumulative Business Rating	2010 Business Rating	2010 Vote Percentage	2010 Stewardship	2010 Effectiveness
H059	Abbitt, Watkins M., Jr.	69	70	70%	71	65
H093	Abbott, Robin A.	46	46	60%	32	29
H042	Albo, David B.	79	84	90%	78	81
H089	Alexander, Kenneth C.	62	56	54%	57	61
H051	Anderson, Richard L.	73	73	70%	75	46
H010	Armstrong, Ward L.	64	77	90%	63	63
H018	Athey, Clifford L., Jr.	65	71	75%	67	67
H095	BaCote, Mamy E.	54	59	73%	46	41
H064	Barlow, William K.	65	65	64%	65	52
H020	Bell, Richard P.	73	73	73%	74	47
H058	Bell, Robert B.	70	79	90%	68	66
H048	Brink, Robert H.	56	55	55%	55	51
H037	Bulova, David L.	56	54	55%	53	52
H022	Byron, Kathy J.	75	84	91%	78	76
H069	Carr, Betsy B.	56	56	60%	52	36
H005	Carrico, Charles W., Sr.	66	67	73%	61	57
H017	Cleaveland, William H.	69	69	73%	65	47
H024	Cline, Benjamin L.	65	82	92%	72	65
H088	Cole, Mark L.	64	73	82%	63	52
H034	Comstock, Barbara J.	80	80	83%	76	59
H078	Cosgrove, John A.	69	81	92%	70	71
H055	Cox, John A.	84	84	91%	76	60
H066	Cox, M. Kirkland	75	78	80%	75	83
H006	Crockett-Stark, Anne B.	60	68	70%	67	51
H063	Dance, Rosalyn R.	59	65	67%	62	57
H049	Ebbin, Adam P.	53	46	50%	41	42
H060	Edmunds, James E., II	71	71	70%	72	43
H045	Englin, David L.	53	55	70%	40	36
H041	Filler-Corn, Eileen	Elected in March; did not serve long enough in 2010 session to be evaluated				
H023	Garrett, T. Scott	79	79	91%	66	51
H091	Gear, Thomas D.	63	74	92%	56	46
H015	Gilbert, C. Todd	64	78	90%	65	62
H032	Greason, Thomas A.	75	75	73%	77	61
H008	Griffith, H. Morgan	69	76	80%	71	80
H046	Herring, Charniele L.	63	56	60%	51	44
H047	Hope, Patrick A.	56	56	60%	51	45
H090	Howell, Algie T., Jr.	58	52	55%	48	39
H028	Howell, William J.	75	86	90%	81	89
H040	Hugo, Timothy D.	71	84	93%	74	76
H084	Iaquinto, Salvatore R.	71	83	91%	75	68
H062	Ingram, Riley E.	77	85	90%	80	71
H080	James, Matthew	76	76	80%	72	55
H056	Janis, William R.	68	81	90%	71	66
H079	Joannou, Johnny S.	57	78	91%	64	69
H004	Johnson, Joseph P., Jr.	62	67	64%	69	59
H076	Jones, S. Chris	77	86	90%	82	85
H035	Keam, Mark L.	68	68	70%	66	51
H001	Kilgore, Terry G.	72	87	90%	83	85
H081	Knight, Barry D.	84	87	91%	82	65
H038	Kory, Kaye	44	44	50%	37	33

## VAFREE Incumbent Evaluations ★ House Summary Results

District	Delegate	Cumulative Business Rating	2010 Business Rating	2010 Vote Percentage	2010 Stewardship	2010 Effectiveness
H025	Landes, R. Steven	73	79	82%	76	78
H067	LeMunyon, James M.	69	69	64%	74	53
H100	Lewis, Lynwood W., Jr.	70	70	64%	75	71
H031	Lingamfelter, L. Scott	66	72	75%	69	60
H026	Lohr, Matthew, J.	70	78	78%	78	66
H068	Loupassi, G. M.	68	74	77%	71	59
H014	Marshall, Daniel W., III	76	77	77%	76	72
H013	Marshall, Robert G.	62	65	80%	50	41
H072	Massie, James P., III	72	78	82%	74	59
H033	May, Joe T.	77	77	75%	78	71
H071	McClellan, Jennifer L.	63	55	47%	63	66
H070	McQuinn, Delores L.	62	53	58%	47	37
H016	Merricks, Donald W.	71	77	73%	81	65
H050	Miller, Jackson H.	73	85	92%	77	69
H087	Miller, Paula J.	66	73	80%	65	59
H003	Morefield, James W.	73	73	80%	65	42
H098	Morgan, Harvey B.	68	60	56%	64	60
H074	Morrissey, Joseph D.	58	59	70%	48	39
H027	Nixon, Samuel A., Jr.	80	89	90%	88	86
H007	Nutter, David A.	71	77	80%	74	71
H073	O'Bannon, John M., III	72	78	82%	74	73
H094	Oder, G. Glenn	77	84	91%	76	73
H054	Orrock, Robert D., Sr.	74	77	80%	73	70
H097	Peace, Christopher K.	68	84	91%	76	68
H002	Phillips, Clarence E.	57	66	75%	56	57
H036	Plum, Kenneth R.	54	58	60%	56	54
H096	Pogge, Brenda L.	68	77	91%	62	48
H009	Poindexter, Charles D.	74	84	90%	77	65
H099	Pollard, Albert C., Jr.	59	65	70%	59	58
H082	Purkey, Harry R.	77	84	92%	75	71
H019	Putney, Lacey E.	74	88	90%	85	87
H086	Rust, Thomas Davis	76	82	79%	85	78
H030	Scott, Edward T.	76	74	64%	83	71
H053	Scott, James M.	61	57	55%	58	56
H029	Sherwood, Beverly J.	74	77	82%	72	72
H012	Shuler, James M.	71	71	70%	72	56
H043	Sickles, Mark D.	66	66	60%	71	64
H077	Spruill, Lionell, Sr.	54	62	70%	54	47
H083	Stolle, Christopher P.	79	79	82%	75	53
H044	Surovell, Scott A.	54	54	60%	47	36
H085	Tata, Robert	75	76	79%	73	65
H052	Torian, Luke E.	64	64	60%	67	46
H057	Toscano, David J.	61	56	55%	56	53
H075	Tyler, Roslyn C.	55	55	58%	51	50
H021	Villanueva, Ronald A.	83	83	92%	74	53
H092	Ward, Jeion A.	57	56	64%	47	41
H011	Ware, Onzlee	66	77	90%	63	53
H065	Ware, R. Lee, Jr.	71	68	55%	80	78
H039	Watts, Vivian E.	60	62	60%	63	58
H061	Wright, Thomas C., Jr.	67	74	80%	68	48



## *Part 2 – 2010 General Assembly Voting Records*



Following is a detailed look at 2010 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 2009 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.

NV = Not Voting.

#### **Vote Percentage =**

The percentage of times 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. Committee votes are noted in Appendix B.

*\*\* Delegate Eileen Filler-Corn was elected in a special election in March 2010 and did not serve long enough in this legislative session to be evaluated.*

## 2010 Senate Votes

Senators	Insurance Mandate for Autism	Homeowners Insurance: Chinese Drywall	Group Life Insurance	Expungement of Criminal Record	Offshore Energy Resources	Mandatory Renewable Portfolio	Clean Air Regulations	School Calendar Regulation	Stormwater Regulations	Cash Profilers by Localities	Property Tax Assessment	Unemployment Benefits: Minimum Earnings	Unemployment Benefits: Eligibility	Virginia Workforce Council	Vote Percentage
Barker, George L.	SB 464	SB 298	SB 465	SB 70	SB 394	SB 450	SB 128	SB 412	SB 395	SB 632	HB 430	HB 535	SB 239	HB 1041	64%
Blevins, Harry B.	-	-	+	-	+	-	+	-	+	+	+	+	-	-	64%
Colgan, Charles J.	-	-	+	-	+	A	+	-	+	+	NV	+	-	-	60%
Deeds, R. Creigh	-	-	+	+	NV	-	-	-	+	+	+	+	-	-	50%
Edwards, John S.	-	-	+	-	-	-	-	+	+	+	+	+	-	-	46%
Hanger, Emmett W., Jr.	+	-	+	-	+	-	+	+	+	+	+	+	+	-	90%
Herring, Mark R.	-	-	+	-	+	-	-	-	+	+	+	+	-	-	50%
Houck, R. Edward	-	-	+	-	+	+	-	-	+	+	+	+	-	-	55%
Howell, Janet D.	-	-	+	+	+	+	-	-	+	+	+	+	-	-	58%
Hurt, Robert	+	-	-	+	+	+	+	-	+	+	+	+	+	-	82%
Locke, Marnie E.	-	-	+	-	+	+	-	-	+	+	+	+	-	-	55%
Lucas, L. Louise	-	-	+	+	+	+	-	+	+	+	+	+	-	-	67%
Marsden, David W.	-	-	+	-	+	+	-	+	+	+	+	+	-	-	60%
Marsh, Henry L., III	-	-	+	+	+	+	-	-	+	+	+	+	-	-	64%
Martin, Stephen H.	+	+	-	-	+	+	+	+	+	+	+	+	+	-	91%
McDougle, Ryan T.	+	-	+	+	+	+	+	-	+	+	+	+	+	-	91%
McEachin, A. Donald	-	-	+	-	-	-	-	-	+	+	+	+	-	-	38%
McWaters, Jeffrey L.	+	+	+	-	+	+	+	-	+	+	+	+	+	-	100%
Miller, John C.	+	-	+	-	+	+	+	-	+	+	+	+	-	-	73%
Miller, Yvonne B.	-	-	+	-	+	-	-	-	+	+	+	+	-	-	50%
Newman, Stephen D.	+	+	+	+	+	+	+	+	+	+	+	+	+	+	100%
Normant, Thomas K., Jr.	-	-	+	+	+	+	+	-	+	+	+	+	-	+	77%
Northam, Ralph S.	-	-	+	-	-	+	+	-	+	+	+	+	-	-	55%
Obershain, Mark D.	+	+	-	+	+	+	+	-	+	+	+	+	+	-	91%
Petersen, Chap	-	-	+	+	+	+	-	+	+	+	+	+	-	-	64%
Puckett, Phillip P.	-	-	+	+	+	+	+	-	+	+	+	+	-	-	67%
Puller, Toddy	-	-	+	+	+	+	-	-	+	+	+	+	-	-	54%
Quayle, Frederick M.	-	-	+	+	+	+	+	-	+	+	+	+	-	-	67%
Reynolds, Wm. Roscoe	-	-	+	+	+	+	+	-	+	+	+	+	-	-	73%
Ruff, Frank M., Jr.	+	-	-	+	+	+	+	+	+	+	+	+	-	-	73%
Saslaw, Richard L.	-	-	+	+	+	+	-	+	+	+	+	+	-	-	64%
Smith, Ralph K.	+	+	+	+	+	+	+	+	+	+	+	+	+	+	100%
Stosch, Walter A.	-	+	+	+	+	+	+	-	+	+	+	+	-	+	83%
Stuart, Richard H.	-	+	+	+	+	+	+	-	+	+	+	+	-	-	70%
Ticer, Patricia S.	-	-	+	-	-	-	-	-	+	+	+	+	-	-	50%
Vogel, Jill Holtzman	-	-	+	+	+	+	+	-	+	+	+	+	-	-	70%
Wagner, Frank W.	+	-	+	+	+	+	+	+	+	+	+	+	+	+	92%
Wampler, William C., Jr.	-	-	+	+	+	+	+	+	+	+	+	+	-	+	75%
Watkins, John	+	+	+	+	+	+	+	+	+	+	+	+	-	+	92%
Whipple, Mary Margaret	-	-	+	-	-	-	-	-	+	-	+	+	-	-	36%

## 2010 House Votes

Delegates	Group Life Insurance	Insurance Mandate for Autism	Amended Jury Awards	Offshore Energy Resources	Greenhouse Gas Emissions	Clean Air Regulations	Firearms in Locked Vehicles	Stormwater Regulations	Machinery & Tools Tax	Cash Proffers by Localities	School Calendar Regulation	Property Tax Assessment	Washington Bypass Corridor (committee)	Washington Bypass Corridor (subcommittee)	Unemployment Benefits: Minimum Earnings	Unemployment Benefits: Eligibility	Unemployment Benefits Eligibility	Virginia Workforce Council	Workers' Compensation	Vote Percentage
	HB 352	HB 303	HB 465	HB 787	HB 25	HB 1300	HB 171	HB 1220	HB 613	HB 374	HB 565	HB 430	HB 277	HB 277	HB 535	HB 647	SB 239	HB 1041	HB 156	
Abbitt, Watkins M., Jr.	+			+		-	-	+	-	+		+			+			+		70%
Abbott, Robin A.	+			-		-	+	+	-	-		+			+			+		60%
Albo, David B.	+			+		+	-	+	+	+		+			+			+		90%
Alexander, Kenneth C.	+			NV		-	-	+	-	+	-	+			+	-	-	+	+	54%
Anderson, Richard L.	+			+		-	-	+	+	-		+			+			+		70%
Armstrong, Ward L.	+			+		+	-	+	+	+		+			+			+		90%
Athey, Clifford L., Jr.	+		+	-		-	-	+	+	+	+	+			+			+		75%
BaCote, Mamy E.	+			+	-	-	+	+	-	+		+	NV		+			+		73%
Barlow, William K.	+		-	+		-	-	+	+	-		+			+			+		64%
Bell, Richard P.	+			+		+	-	+	-	+	-	+			+			+		73%
Bell, Robert B.	+			+		+	-	+	+	+		+			+			+		90%
Brink, Robert H.	+			-		-	+	+	-	-		+	-		+			+		55%
Bulova, David L.	+			-		-	+	+	-	-	-	+			+			+		55%
Byron, Kathy J.	+	+		+		+	-	+	+	+		+			+			+		91%
Carr, Betsy B.	+			-		-	+	+	-	-		+	NV		+			+		60%
Carrico, Charles W., Sr.	+			+		+	-	+	-	+		+	-		+			+		73%
Cleaveland, William H.	+		-	+		+	-	+	-	+		+			+			+		73%
Cline, Benjamin L.	+			+		+	-	+	+	+		+			+	+	+	+	+	92%
Cole, Mark L.	+			+		+	-	+	+	+	+	+			-			+		82%
Comstock, Barbara J.	+			+	+	-	-	+	+	+		+	+		+			+		83%
Cosgrove, John A.	+			+	+	+	-	+	+	+		+	+		+			+		92%
Cox, John A.	+			+		+	-	+	+	+		+	+		+			+		91%
Cox, M. Kirkland	+			+		+	-	+	-	+		+			+			+		80%
Crockett-Stark, Anne B.	+			+		+	-	+	-	-		+			+			+		70%
Dance, Rosalyn R.	+			-		NV	-	+	-	+		+			+			+		67%
Ebbin, Adam P.	+			-		-	+	+	-	-	-	+	-		+			+		50%
Edmunds, James E., II	+			+		-	-	+	-	+		+			+			+		70%
Englin, David L.	+			-		-	+	+	+	-		+			+			+		70%
Filler-Corn, Eileen																				
Garrett, T. Scott	+			+		+	-	+	+	+		+	+		+			+		91%
Gear, Thomas D.	+			+		+	-	+	+	+	+	+	+		+			+		92%
Gilbert, C. Todd	+			+		+	-	+	+	+		+			+			+		90%
Greason, Thomas A.	+			+		-	-	+	+	+	-	+			+			+		73%
Griffith, H. Morgan	+			+		+	-	+	+	-		+			+			+		80%
Herring, Charniele L.	+			-		-	+	+	-	-		+			+			+		60%
Hope, Patrick A.	+			-		-	+	+	-	-		+			+			+		60%
Howell, Algie T., Jr.	+			-		-	-	+	-	+		+		-	+			+		55%
Howell, William J.	+			+		+	-	+	+	+		+			+			+		90%
Hugo, Timothy D.	+			+	+	+	-	+	+	+		+	+		+	+	+	+	+	93%
Iaquinto, Salvatore R.	+		+	+		+	-	+	+	+		+			+			+		91%
Ingram, Riley E.	+			+		+	-	+	+	+		+			+			+		90%

## 2010 House Votes

Delegates	Group Life Insurance	Insurance Mandate for Autism	Amended Jury Awards	Offshore Energy Resources	Greenhouse Gas Emissions	Clean Air Regulations	Firearms in Locked Vehicles	Stormwater Regulations	Machinery & Tools Tax	Cash Proffers by Localities	School Calendar Regulation	Property Tax Assessment	Washington Bypass Corridor (committee)	Washington Bypass Corridor (subcommittee)	Unemployment Benefits: Minimum Earnings	Unemployment Benefits: Eligibility	Unemployment Benefits Eligibility	Virginia Workforce Council	Workers' Compensation	Vote Percentage
	HB 352	HB 303	HB 465	HB 787	HB 25	HB 1300	HB 171	HB 1220	HB 613	HB 374	HB 565	HB 430	HB 277	HB 277	HB 535	HB 647	SB 239	HB 1041	HB 156	
James, Matthew	+			+		-	+	+	-	+		+			+			+		80%
Janis, William R.	+	A		+		+	-	+	+	+		+			+			+		90%
Joannou, Johnny S.	+	+		+		+	-	+	+	+		+			+			+		91%
Johnson, Joseph P., Jr.	+		-	+		+	-	+	-	+		+			+	-	-	+	+	64%
Jones, S. Chris	+			+		+	-	+	+	+		+			+			+		90%
Keam, Mark L.	+			-		-	+	+	+	-		+			+			+		70%
Kilgore, Terry G.	+		NV	+		+	-	+	+	+		+			+			+		90%
Knight, Barry D.	+			+		+	-	+	+	+		+	+		+			+		91%
Kory, Kaye	+			-		-	+	+	-	-		-			+			+		50%
Landes, R. Steven	+			+		+	-	+	-	+	+	+			+			+		82%
LeMunyon, James M.	+			+		-	-	+	+	-	-	+			+			+		64%
Lewis, Lynwood W., Jr.	+	+		-		-	-	+	-	+		+			+			+		64%
Lingamfelter, L. Scott	+			+		-	-	+	+	+	+	+		-	+			+		75%
Lohr, Matthew, J.	+			+		NV	-	+	-	+		+			+			+		78%
Loupassi, G. M.	+		NV	+		+	-	+	-	+	-	+			+		+	+	+	77%
Marshall, Daniel W., III	+			+		+	-	+	-	+		+			+	+	-	+	+	77%
Marshall, Robert G.	+			+		+	-	+	+	-		+			+			+		80%
Massie, James P., III	+			+		+	-	+	+	+	-	+			+			+		82%
May, Joe T.	+			+		-	-	+	+	-		+	+	+	+			+		75%
McClellan, Jennifer L.	+		-	-		-	+	+	-	+	-	+			+	-	-	+	-	47%
McQuinn, Delores L.	+			NV	-	NV	+	+	-	+		+	NV		+	-	-	+	-	58%
Merricks, Donald W.	+	-		+		+	-	+	-	+		+			+			+		73%
Miller, Jackson H.	+			+		+	-	+	+	+		+			+	+	+	+	+	92%
Miller, Paula J.	+			+		-	+	+	-	+		+			+			+		80%
Morefield, James W.	+			+		+	-	+	-	+		+			+			+		80%
Morgan, Harvey B.	+	-		+		NV	-	+	-	-		+			+			NV		56%
Morrissey, Joseph D.	+			-		-	+	+	NV	+	-	+			+			+		70%
Nixon, Samuel A., Jr.	+	+		+			-	+	+	+		+			+			+		90%
Nutter, David A.	+			+		+	-	+	-	+		+			+			+		80%
O'Bannon, John M., III	+			+		+	-	+	+	+		+		-	+			+		82%
Oder, G. Glenn	+			+		+	-	+	+	+		+	+		+			+		91%
Orrock, Robert D., Sr.	+			+		+	-	+	-	+		+			+			+		80%
Peace, Christopher K.	+		+	+		+	-	+	+	+		+			+			+		91%
Phillips, Clarence E.	+			+		+	-	+	-	NV		+			NV			+		75%
Plum, Kenneth R.	+			-		-	+	+	-	-		+			+			+		60%
Pogge, Brenda L.	+			+		+	-	+	+	+	+	+			+			+		91%
Poindexter, Charles D.	+			+		+	-	+	+	+		+			+			+		90%
Pollard, Albert C., Jr.	+			-		-	-	+	+	+		+			+			+		70%
Purkey, Harry R.	+			+		+	-	+	+	+		+			+	+	+	+	+	92%
Putney, Lacey E.	+			+		+	-	+	+	+		+			+			+		90%
Rust, Thomas Davis	+			+		-	+	+	-	+	-	+	NV		+	+	+	+	+	79%

## 2010 House Votes

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Scott, Edward T.	+			+		-	-	+	-	-		+	+		+			+		64%
Scott, James M.	+			-		-	+	+	-	-		+		-	+			+		55%
Sherwood, Beverly J.	+			+		+	-	+	+	+		+		-	+			+		82%
Shuler, James M.	+			-		NV	-	+	-	+	+	+			+			+		70%
Sickles, Mark D.	+			-		-	+	+	-	-		+			+			+		60%
Spruill, Lionell, Sr.	+			-		-	+	+	-	+		+			+			+		70%
Stolle, Christopher P.	+			+		+	-	+	+	+	-	+			+			+		82%
Surovell, Scott A.	+			-		-	+	+	-	-		+			+			+		60%
Tata, Robert	+			+	+	-	-	+	+	+	-	+	+	+	+			+		79%
Torian, Luke E.	+			-		-	+	+	-	-		+			+			+		60%
Toscano, David J.	+		-	-		-	+	+	-	-		+	NV		+			+		55%
Tyler, Roslyn C.	+	-		-		-	+	+	-	+	-	+			+			+		58%
Villanueva, Ronald A.	+		+	+		+	-	+	+	+		+	+		+			+		92%
Ward, Jeion A.	+	NV		-		-	+	+	-	+		+	-		+			+		64%
Ware, Onzlee	+			+		+	-	+	+	+	NV	+			+			+		90%
Ware, R. Lee, Jr.	+	-		+		+	-	+	-	-		+			+			-		55%
Watts, Vivian E.	+			-		-	+	+	-	-		+			+			+		60%
Wright, Thomas C., Jr.	+			+		+	-	+	-	+		+			+			+		80%

# *The List of Chief Patrons*



This list shows the legislators who were chief patrons of legislation used in the 2010 Virginia FREE Incumbent Evaluations that were supported by business.

David B. Albo - HB 277 - Washington bypass transportation corridor  
Kathy J. Byron - HB 1041 - Workforce Council  
John A. Cosgrove - HB 374 - Cash proffers  
H. Morgan Griffith - HB 430 - Real property tax assessment  
Janet D. Howell - HB 465 - Group life insurance coverage  
Timothy D. Hugo - HB 1220 - Stormwater management regulations  
Samuel Nixon - HB 535 - Unemployment benefits  
Mark D. Obenshain - HB 632 - Cash proffers  
Harry R. Purkey - HB 613 - Machinery and Tools  
Thomas Davis Rust - HB 352 - Group life insurance coverage  
Ron A. Villanueva - HB 787 - Offshore energy resources  
Frank W. Wagner - SB 394 - Offshore energy resources  
Frank W. Wagner - SB 395 - Stormwater management regulations

This list shows the legislators who were chief patrons of bills used in the 2010 Virginia FREE Incumbent Evaluations that were opposed by business.

Ward L. Armstrong - HB 647 - Unemployment benefits  
Rosalyn R. Dance - HB 465 - Worker's compensation  
Charniele I. Herring - HB 465 - Jury verdict  
Charniele L. Herring - HB 25 - Greenhouse gas emissions  
Janet D. Howell - SB 464 - Health insurance  
Donald McEachin - SB 70 - Criminal conviction record  
John C. Miller - SB 298 - Homeowners insurance  
John M. O'Bannon - HB 303 - Health insurance  
Brenda L. Pogge - HB 171 - Firearms in locked vehicles  
Robert Tata - HB 565 - School calendar  
Jill Holtzman Vogel - SB 412 - School calendar  
John C. Watkins - SB 239 - Unemployment benefits  
Mary Margaret Whipple - SB 450 - Renewable energy portfolio standard program

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

# Appendix A

## Terms and Methods for VAFREE Evaluations

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### *Cumulative Business Rating*

Virginia FREE's Cumulative Business Rating indicates the average of each legislator's Virginia FREE Business Ratings from 1995 through 2010 or, for those taking office after 1995, the average from the legislator's first year in office through 2010. For some, the Cumulative Business Rating may include prior service in the Virginia General Assembly.

### *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 2010 General Assembly session.

## *Stewardship*

The Stewardship Evaluation is the result of an annual survey of Virginia FREE member government affairs professionals to determine, in their informed, collective opinion, 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, collective opinion, 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 2010 Voting Records



## *Banking, Finance & Insurance*

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### **HB 303 Health insurance; mandated coverage for autism spectrum disorder.**

**John M. O'Bannon, III**

**Opposed by Business; Failed**

Would have required health insurers, health care subscription plans, and HMOs to provide expanded coverage for some individuals diagnosed with autism spectrum disorder. The requirement would not apply to individual or small group policies, contracts, or plans, and would not apply to the state employees' health insurance plan until July 1, 2015.

Vote: 02/02/10 House: Subcommittee failed to recommend reporting (4-Y 4-N)

---

### **SB 464 Health insurance; mandated coverage for autism spectrum disorder.**

**Janet D. Howell**

**Opposed by Business; Failed**

Would have required health insurers, health care subscription plans, and HMOs to provide expanded coverage for some individuals diagnosed with autism spectrum disorder. This requirement would not apply to individual or small group policies, contracts, or plans, and would not apply to the state employees' health insurance plan until July 1, 2015. This measure would not apply to an insurer, corporation, or HMO if the costs associated with coverage exceed one percent of premiums charged over the experience period.

Vote: 02/16/10 Senate: Passed Senate (27-Y 13-N)

---

### **SB 298 Homeowners insurance; prohibits insurance company from canceling due to defective Chinese drywall.**

**John C. Miller**

**Opposed by Business; Failed**

Would have prohibited an insurance company from canceling, refusing to renew, or increasing rates on a policy on an owner-occupied dwelling solely because the dwelling was built using defective drywall.

Vote: 02/01/10 Senate: Passed Senate (32-Y 8-N)

---

### **HB 352 Group life insurance coverage; extended to persons mutually agreed upon by insurer and policyholder.**

**Thomas Davis Rust**

**Favored by Business; Passed**

Allows coverage under a group life insurance policy to be extended to insure any person in whom the insured group member has an insurable interest, as may mutually be agreed upon by the insurer and the group policyholder. SB 465 is identical.

Vote: 02/11/10 House: VOTE: BLOCK VOTE PASSAGE #2 (99-Y 0-N)

**SB 465 Group life insurance coverage; extended to persons mutually agreed upon by insurer and policyholder.**

**Janet D. Howell**

**Favored by Business; Passed**

Allows coverage under a group life insurance policy to be extended to insure any person in whom the insured group member has an insurable interest, as may mutually be agreed upon by the insurer and the group policyholder. HB 352 is identical.

Vote: 02/16/10 Senate: Passed Senate (36-Y 4-N)

## *Civil Justice*

---

**SB 70 Criminal conviction record; person convicted of certain offenses to petition for expungement.**

**A. Donald McEachin**

**Opposed by Business; Failed**

Would have allowed a person convicted of certain criminal offenses to petition to have his conviction expunged after a five-year period has expired following the conviction, upon a showing that his opportunities for employment, education, or professional licensure are prejudiced by the existence of the criminal record. Expungement would not be available for someone convicted of a violent felony, a DUI-related offense, an offense for which registration on the sex offender registry is required, or domestic violence.

Vote: 02/08/10 Senate: Passed by indefinitely in Courts of Justice (13-Y 1-N)

---

**HB 465 Jury verdict; allows court to amend pleadings to conform to amount awarded.**

**Charniele L. Herring**

**Opposed by Business; Failed**

Would have allowed a court, in the event a jury returns a verdict for damages in excess of the amount requested, to amend the pleadings to conform them to the amount awarded and enter a judgment for such damages.

Vote: 01/20/10 House: Subcommittee recommends reporting (5-Y 4-N)

## *Energy*

---

**HB 787 Offshore energy resources; production & development permitted 50 miles off Atlantic shoreline.**

**Ron A. Villanueva**

**Favored by Business; Passed**

States that it shall be the policy of the Commonwealth to support oil and natural gas exploration, development, and production 50 miles or more off Virginia's coast, taking into account the impact on affected localities, armed forces, and the mid-Atlantic regional spaceport. Currently, the policy is limited to supporting exploration for natural gas resources 50 miles or more offshore. SB 394 is identical.

Vote: 02/03/10 House: VOTE: --- PASSAGE (69-Y 28-N)

---

**SB 394 Offshore energy resources; production and development permitted 50 miles off Atlantic shoreline.**

**Frank W. Wagner**

**Favored by business; Passed**

States that it shall be the policy of the Commonwealth to support oil and natural gas exploration, development, and production 50 miles or more off Virginia's coast, taking into account the impact on affected localities, armed forces, and the

mid-Atlantic regional spaceport. Currently, the policy is limited to supporting exploration for natural gas resources 50 miles or more offshore. HB 787 is identical.

Vote: 02/16/10 Senate: Passed Senate (33-Y 6-N)

---

**SB 450 Renewable energy portfolio standard program; mandatory program for investor-owned utilities.**

**Mary Margaret Whipple**

**Opposed by Business; Failed**

Would have provided for a mandatory renewable energy portfolio standard program. Under current law, the renewable energy portfolio standard program is a voluntary program to which investor-owned utilities apply to receive certain incentives. The bill creates a mandatory RPS program that retains the existing RPS goals and positive incentives and authorizes the SCC to charge a noncompliance fee to utilities that do not meet the RPS goals. The bill also creates the Virginia Sustainable Energy Fund into which utilities that fail to meet the program goals pay noncompliance fees.

Vote: 02/08/10 Senate: Passed by indefinitely in Commerce and Labor (8-Y 6-N 1-A)

## *Environment*

---

**HB 25 Greenhouse gas emissions; Statewide Transportation Plan to include quantifiable measures and goals.**

**Charniele L. Herring**

**Opposed by Business; Failed**

Would have required that the Statewide Transportation Plan include quantifiable measures and achievable goals for greenhouse gas emissions.

Vote: 01/18/10 House: Subcommittee failed to recommend reporting (2-Y 4-N)

---

**HB 1300 Air Pollution Control Board; regulations under the Clean Air Interstate Rule.**

**Terry G. Kilgore**

**Supported by Business; Passed**

Retains the authority of the Air Pollution Control Board to provide for participation in the EPA-administered cap and trade system for NO<sub>x</sub> and SO<sub>2</sub> to the fullest extent permitted by federal law, but prohibits the Board from requiring that electric generating facilities located in a nonattainment area meet NO<sub>x</sub> and SO<sub>2</sub> compliance obligations without the purchase of allowances from in-state or out-of-state facilities. This bill is identical to SB 128.

Vote: 04/21/10 House: House concurred in Governor's recommendation (51-Y 43-N)

---

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

**Ryan T. McDougale**

**Supported by Business; Passed**

Air Pollution Control Board; regulations under the Clean Air Interstate Rule. Retains the authority of the Air Pollution Control Board to provide for participation in the EPA-administered cap and trade system for NO<sub>x</sub> and SO<sub>2</sub> to the fullest extent permitted by federal law, but prohibits the Board from requiring that electric generating facilities located in a nonattainment area meet NO<sub>x</sub> and SO<sub>2</sub> compliance obligations without the purchase of allowances from in-state or out-of-state facilities. This bill is identical to HB 1300.

Vote: 04/21/10 Senate: Senate concurred in Governor's recommendation (23-Y 17-N)

## *Governance*

---

### **SB 412 School calendar; local school boards to set first day of school.**

**Jill Holtzman Vogel**

**Opposed by Business; Failed**

Would have made local school boards responsible for setting the school calendar and determining the opening of the school year and eliminate the post-Labor Day opening requirement and “good cause” scenarios for which the Board of Education might grant waivers of this requirement.

Vote: 01/28/10 Senate: Reported from Education and Health (8-Y 7-N)

---

### **HB 565 School calendar; local school boards to set first day of school.**

**Robert Tata**

**Opposed by Business; Failed**

Would have allowed local school boards, for years in which Labor Day falls on September 5 or later, to set the school calendar so that the first day students are required to attend school shall be no earlier than one week before Labor Day.

Vote: 02/01/10 House: Reported from Education with substitute (14-Y 7-N)

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## *Regulation*

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### **HB 171 Firearms in locked vehicles; immunity from liability.**

**Brenda L. Pogge**

**Opposed by Business; Failed**

Would have provided that no person, property owner, tenant, employer, or business owner may prohibit a person who lawfully possesses a firearm from storing that firearm in a locked motor vehicle. The bill would have provided civil immunity for such persons, property owners, tenants, employers, or business owners.

Vote: 02/16/10 House: VOTE: --- PASSAGE (72-Y 27-N)

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### **HB 1220 Stormwater management regulations; changes effective date that establishes local program criteria.**

**Timothy D. Hugo**

**Favored by Business; Passed**

Delays the regulation that establishes local program criteria and delegation procedures and the water quality and water quantity criteria. The regulation, however, shall be adopted within 280 days after the establishment of the U.S. Environmental Protection Agency’s Chesapeake Bay-wide Total Maximum Daily Load, but no later than December 1, 2011. The bill also directs the Virginia Soil and Water Conservation Board to establish an advisory panel to review the regulation and make recommendations on possible revisions to the regulation. This bill incorporates HB 1311 and HB 155. This bill is identical to SB 395.

Vote: 02/15/10 House: VOTE: BLOCK VOTE PASSAGE (99-Y 0-N)

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### **SB 395 Stormwater management regulations; changes effective date that establishes local program criteria.**

**Frank W. Wagner**

**Favored by Business**

Stormwater management regulations; effective date. Delays the regulation that establishes local program criteria and delegation procedures and the water quality and water quantity criteria. The regulation, however, shall be adopted within

280 days after the establishment of the U.S. Environmental Protection Agency's Chesapeake Bay-wide Total Maximum Daily Load, but no later than December 1, 2011. The bill also directs the Virginia Soil and Water Conservation Board to establish an advisory panel to review the regulation and make recommendations on possible revisions to the regulation. This bill incorporates SB 677, SB 245, and SB 681. This bill is identical to HB 1220.

Vote: 02/04/10 Senate: Read third time and passed Senate (40-Y 0-N)

## *Tax*

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**HB 613 Machinery and tools; classification as intangible personal property, exemption from local tax.**

**Harry R. Purkey**

**Favored by Business; Failed**

Would have classified new investments in machinery and tools for manufacturing, processing and reprocessing, mining, and radio or television broadcasting made after July 1, 2010, as intangible personal property and not subject to local property tax.

Vote: 02/16/10 House: VOTE: --- DEFEATED #2 (48-Y 50-N)

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**HB 374 Cash proffers; collected or accepted by locality after completion of final inspection.**

**John A. Cosgrove**

**Favored by Business; Passed**

Cash proffers; acceptance by localities. Delays collection or acceptance of a cash proffer by a locality until the completion of the final inspection of the subject property and prior to the time of the issuance of any certificate of occupancy. This bill is identical to SB 632.

Vote: 01/27/10 House: VOTE: --- PASSAGE (71-Y 27-N)

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**SB 632 Cash proffers; delays collection or acceptance by locality until completion of final inspection.**

**Mark D. Obenshain**

**Favored by Business; Passed**

Cash proffers; acceptance by localities. Delays collection or acceptance of a cash proffer by a locality until the completion of the final inspection of the subject property and prior to the time of the issuance of any certificate of occupancy.

Vote: 02/10/10 Senate: Read third time and passed Senate (38-Y 2-N)

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**HB 430 Real property tax assessment; Department of Taxation to establish qualifications for certification.**

**H. Morgan Griffith**

**Favored by Business; Passed**

Provides (i) that the fair market value of certain affordable housing be determined using the income approach, based on the property's current use and restrictions; (ii) additional requirements for real property appraisers; (iii) that a locality's real property sales assessment ratio higher than 130 percent is prima facie proof that the locality has failed to assess at 100 percent of fair market value; (iv) taxpayers access to certain information related to assessments; (v) additional requirements related to boards of equalization; and (vi) that the local assessing officer provide notice of any request to increase an assessment for commercial, multifamily residential, or industrial property assessments that are already being appealed.

Votes: 02/26/10 Senate: Passed Senate with substitute (39-Y 0-N)

03/02/10 House: VOTE: --- ADOPTION (98-Y 1-N)

## *Transportation*

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### **HB 277 Washington Bypass transportation corridor; Transportation Board to establish.**

**David B. Albo**

**Favored by Business; Failed**

Washington Bypass transportation corridor. Requires the Commonwealth Transportation Board to establish a Washington Bypass transportation corridor.

Votes: 02/02/10 House: Reported from Transportation with substitute (12-Y 4-N)

02/12/10 House: Subcommittee failed to recommend reporting (2-Y 5-N)

## *Workplace*

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### **HB 535 Unemployment benefits; minimum earnings requirement, postpones scheduled increase.**

**Samuel Nixon**

**Favored by Business; Passed**

Postpones the scheduled increase, from \$2,700 to \$3,000, in the minimum amount of wages an employee must have earned in the two highest earnings quarters of his base period in order to be eligible for unemployment benefits. The increase will apply to claims filed on or after July 3, 2011; it is currently scheduled to apply to claims filed on or after July 4, 2010.

Votes: 01/27/10 House: VOTE: --- PASSAGE (97-Y 1-N)

02/25/10 Senate: Passed Senate (40-Y 0-N)

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### **HB 647 Unemployment benefits; eligibility of individuals part-time employed and in training programs.**

**Ward L. Armstrong**

**Opposed by Business; Failed**

Would have provided that certain individuals who have exhausted eligibility for unemployment benefits and who are enrolled in approved training programs are eligible for up to 26 weeks of additional benefits. The measure also provides that an individual who was employed part time during at least one-half of the weeks of work in the individual's base period is deemed to satisfy the requirement that he be available for work and actively seeking and unable to obtain suitable work if he is available for and actively seeking work that is comparable to his part-time work experience in his base period.

Vote: 02/04/10 House: Subcommittee recommends laying on the table (6-Y 4-N)

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### **SB 239 Unemployment benefits; eligibility criteria.**

**John C. Watkins**

**Opposed by Business; Failed**

Would have provided that certain individuals who have exhausted eligibility for unemployment benefits and who are enrolled in approved training programs are eligible for up to 26 weeks of additional benefits. The measure also provides that an individual who voluntarily separates from employment is not disqualified from receiving unemployment compensation benefits if the separation is for a compelling family reason, which is defined as domestic violence, the illness or disability of a member of the individual's immediate family; or the need for the individual to accompany such individual's spouse to a place from which it is impractical for such individual to commute and due to a change in location of the spouse's employment. A provision allowing individuals to receive unemployment benefits if they voluntarily leave employment to follow a military spouse assigned to a new duty station, which provision will become effective only if the federal government appropriates adequate funds specifically for the purpose of paying benefits to such individuals, is repealed. The measure also requires that bills enhancing unemployment compensation benefits payable to a claimant contain a

statement reflecting the projected impact on the solvency level of the unemployment trust fund and the average increase in state unemployment tax liability of employers. Currently, such bills are required to contain an estimate of potential revenue losses of state tax revenues. SB 562 and SB 666 are incorporated.

Votes: 02/08/10 Senate: Read third time and passed Senate (31-Y 9-N)  
03/02/10 House: Subcommittee recommends laying on the table (6-Y 5-N)

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**HB 1041 Workforce Council; reduces membership, Executive Committee shall review & recommend grant proposals.**

**Kathy J. Byron**

**Favored by Business; Failed**

Would have replaced the Secretary of Education with the Secretary of Technology on the Virginia Workforce Council and reduced the number of gubernatorial citizen appointees from 15 to 14. The measure also provides that the Chancellor of the Virginia Community College System shall provide subordinate staff support to the Council. The Executive Committee of the Council is directed to review and make recommendations on grant proposals. The Council is required to prepare a report detailing reforms necessary to ensure that Council resources and services will aid in the achievement of measurable improvements in identified areas, implementation of a Work Ready Community Certification program pilot project, and increases in the number of private and nonprofit training vendors. The Council is further directed to create a Military Transition Assistance Committee.

Votes: 02/16/10 House: VOTE: --- PASSAGE (97-Y 1-N)  
03/08/10 Senate: Continued to 2011 in Commerce and Labor (9-Y 6-N)

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**HB 156 Workers' compensation; occupational disease presumption.**

**Rosalyn R. Dance**

**Opposed by Business; Failed**

Would have expanded the presumption that specific types of cancers in firefighters and certain other public safety employees are occupational diseases compensable under the Workers' Compensation Act to include kidney cancer and any other type of cancer that results from the inhalation, ingestion, or absorption of a toxic substance. A toxic substance is currently defined as a known or suspected carcinogen, as defined by the International Agency for Research on Cancer, that causes, or is suspected to cause, leukemia or pancreatic, prostate, rectal, throat, ovarian, or breast cancer.

Vote: 02/04/10 House: Subcommittee recommends laying on the table (9-Y 2-N)