

*Virginia*  
★ **FREE** ★

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2008 Virginia General Assembly  
Incumbent Evaluations



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# Brinkmanship Is No Substitute For Leadership



## Transportation

The record of the 2008 Virginia General Assembly is marred by its glaring failure to address an acute transportation funding shortfall 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 shortfalls 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state Supreme Court struck down the regional funding mechanism, and the legislature itself – under public pressure – repealed unpopular fees. This left Virginia in dire need of money 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.

Virginia FREE, therefore, has implemented a 20-point across-the-board deduction from every legislator's Business Rating in this year's Incumbent Evaluations. The Board of Directors believes this is necessary to reflect the lack of leadership, compromise and problem solving that should be the hallmarks of the Virginia General Assembly. 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 her elected officials.

## Representative Government Requires Accountability

Business leaders strongly disapprove of a rule in the House of Delegates that allows for action on legislation in House subcommittees without a recorded vote. This is a dangerous precedent that removes accountability and sunshine from the governing process and it should be corrected immediately. The House Clerk's office reports that more than 1,500 bills have been killed in House subcommittees without a recorded vote since this onerous rule took effect in 2006. The list includes important business issues such as proposed transportation funding mechanisms, local sales taxes, increasing the minimum wage, utility regulations, redistricting reform, Marine Resources Commission regulations, and many others.

Vesting the power to kill legislation in a full committee of 22 lawmakers is a necessary compromise between representative government and efficiency. And, by rule, it is done "on the record." But giving this authority to a subcommittee of six or seven legislators who then dispose of substantive measures without a public record is to abdicate responsible governance.

A simple rule change is in order. Whether in full committee or subcommittee, a recorded vote must occur on the disposition of all bills. This maintains the efficiency subcommittees bring to the legislative process while preserving the accountability necessary for open government and an informed citizenry.

## Homestead Exemption

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.

Had it passed, it likely would have been approved by the voters this fall, sending an unwanted message about the tax 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.

## Public Sector Collective Bargaining

This session, two bills were introduced that took aim at Virginia's long standing policy against public sector collective bargaining. They would have undermined Virginia's correct policy by either repealing or amending a business backed law placed on the books in 1993.

HB 852 would have repealed the 1993 law. While we support the bill's demise, scoring it correctly was made difficult by the way it was handled in the House. For example, the correct vote in committee would have been to vote "no" on a motion to report. Instead, the bill was reported 9-0 with many of those expressing opposition to the bill in committee voting to report it. Likewise, on the floor motion to "strike" the bill, the correct vote would have been "yes". Instead, the motion was rejected 43-55 with many of those against the bill voting to advance it. The bill ultimately failed to engross on an 82-0 vote. While the bill's failure was welcomed, the last action again provided an unclear vote.

HB 152 would have allowed public sector employees to "meet and confer," a development that moves us closer to collective bargaining. While we also supported its demise, it was left in committee with no vote recorded, making it impossible to know for sure who supported it or opposed it.

The handling of both bills paints an unclear and confusing picture to the general public. Bills of this importance deserve a clear and concise vote in order to preserve the accountability necessary for open government and to promote an informed citizenry.

## Pay Day Lending

Pay day lending was a contentious and controversial issue in both the 2007 and 2008 legislative sessions. There is an unquestioned demand for this lawful, regulated financial product in the marketplace, and few alternatives that are not more costly and risky. While many Virginians use pay day loans responsibly to meet unexpected or short-term financial needs, there are legitimate concerns for consumers who find themselves in a cycle of debt resulting from inappropriate use of these short-term, unsecured loans. Many proposed reforms were offered by the industry and by legislators and Virginia FREE applauds those efforts. However, proposals that would summarily ban a regulated business from the market, either directly or indirectly, without first legislating reforms to address legitimate consumer issues is a recipe for damaging Virginia's hard-earned status and reputation as the best state for business. Legislation enacting market reforms may be a legitimate function of government, but so is consideration of the adverse consequences of reducing credit options in the marketplace.

## Redistricting Reform

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.

## Immigration

Access to legal immigrant labor is essential to the current and future success of Virginia's businesses and the state's economy. With the introduction of dozens of immigration bills directed at Virginia's employers, there was the possibility of a clash between the legislature and the business community. Thanks to the willingness of both sides to meet and properly vet the issue, the 2008 General Assembly concluded with lawmakers passing quality legislation that punishes those who break the law while safeguarding employers who act in good faith to comply with federal immigration law. The legislative process worked by defeating measures that are pre-empted by federal law, thereby keeping Virginia out of more legal entanglements. While we all agree that laws relating to immigrant employment are better left to the United States Congress, the Federal government is not getting the job done. To fill in the void, the Virginia General Assembly stepped in, where it legally could, and addressed a pressing concern.

## Economic Development Incentives

The General Assembly has empowered the Governor with the responsibility to develop and implement a comprehensive economic development policy for the Commonwealth. As part of that responsibility, the Governor and his cabinet use a variety of incentives to attract new businesses and jobs to Virginia. During this session, the Governor proposed legislation (House Bill 833) to provide for specialized titling of company vehicles of automotive manufacturers. The bill was introduced to meet a commitment made to a large automotive manufacturer as part of an incentive package for the company to relocate to Virginia.

Although the bill eventually passed, there was considerable debate over the bill and a number of legislators voted against it. Virginia FREE does not take a position on this particular bill, but we are concerned that companies will be less likely to create new businesses -- or relocate to the Commonwealth -- if they cannot rely on commitments made as part of incentive packages. At the same time, there are limits on the authority of the Governor to bind the Commonwealth to incentives that cannot be implemented without legislative action. On issues of economic development, however, the Governor and the General Assembly need to work collaboratively to ensure that Virginia maintains its competitive advantage in bringing new businesses and jobs to the Commonwealth.

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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*



# 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 2008 or, for those taking office after 1995, the average from the legislator’s first year in office through 2008. 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 2008 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.

*Note: Virginia FREE has deducted 20 points from every legislator’s 2008 Business Rating in this year’s Incumbent Evaluations. The Board of Directors believes this is necessary to reflect the lack of leadership, compromise and problem solving that should be the hallmarks of the Virginia General Assembly. For details, see the narrative that prefaces this report.*

**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 2008 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.*

VAFREE Incumbent Evaluations ★ Senate Summary Results

District	Senator	Cumulative Business Rating	2008 Business Rating	2008 Vote Percentage	2008 Stewardship	2008 Effectiveness
39	Barker, George L.	40	40	56 %	64	51
14	Blevins, Harry B.	77	68	100 %	75	65
29	Colgan, Charles J.	76	53	62 %	84	87
37	Cuccinelli, Ken, II	63	58	94 %	62	59
25	Deeds, R. Creigh	60	39	56 %	61	64
21	Edwards, John S.	51	39	58 %	59	58
24	Hanger, Emmett W., Jr.	78	65	95 %	74	69
33	Herring, Mark R.	60	46	61 %	71	65
17	Houck, R. Edward	63	39	45 %	73	79
32	Howell, Janet D.	59	35	43 %	66	74
19	Hurt, Robert	67	67	100 %	74	67
2	Locke, Mamie E.	54	35	53 %	56	51
18	Lucas, L. Louise	55	33	50 %	56	57
16	Marsh, Henry L., III	51	32	55 %	48	55
11	Martin, Stephen H.	76	62	100 %	64	49
4	McDougle, Ryan T.	68	62	94 %	69	59
9	McEachin, A. Donald	46	34	58 %	50	58
1	Miller, John C.	51	51	71 %	70	56
5	Miller, Yvonne B.	41	25	43 %	46	56
23	Newman, Stephen D.	79	67	100 %	74	64
3	Norment, Thomas K., Jr.	83	72	100 %	83	88
6	Northam, Ralph S.	44	44	56 %	72	62
26	Obenshain, Mark D.	66	62	94 %	69	65
34	Petersen, Chap	58	37	56 %	57	56
38	Puckett, Phillip P.	67	55	72 %	78	71
36	Puller, Toddy	59	44	61 %	66	64
13	Quayle, Frederick M.	74	66	95 %	76	67
20	Reynolds, Wm. Roscoe	66	39	50 %	68	63
15	Ruff, Frank M., Jr.	77	62	88 %	76	65
35	Saslaw, Richard L.	67	48	57 %	78	89
22	Smith, Ralph K.	57	57	89 %	64	49
8	Stolle, Kenneth W.	83	72	100 %	83	88
12	Stosch, Walter A.	85	73	100 %	85	84
28	Stuart, Richard H.	61	61	94 %	68	61
30	Ticer, Patricia S.	54	34	53 %	55	55
27	Vogel, Jill Holtzman	54	54	83 %	65	59
7	Wagner, Frank W.	83	69	94 %	84	82
40	Wampler, William C., Jr.	75	70	100 %	79	85
10	Watkins, John	85	73	100 %	85	83
31	Whipple, Mary Margaret	53	31	48 %	54	75

## VAFREE Incumbent Evaluations ★ House Summary Results

District	Delegate	Cumulative Business Rating	2008 Business Rating	2008 Vote Percentage	2008 Stewardship	2008 Effectiveness
59	Abbitt, Watkins M., Jr.	68	62	93 %	70	66
42	Albo, David B.	78	55	75 %	74	81
89	Alexander, Kenneth C.	61	45	69 %	60	61
44	Amundson, Kristen J.	63	46	69 %	62	61
10	Armstrong, Ward L.	63	50	69 %	71	80
18	Athey, Clifford L., Jr.	63	48	73 %	62	68
95	BaCote, Mamy E.	54	40	71 %	49	46
64	Barlow, William K.	65	49	73 %	65	54
58	Bell, Robert B.	68	53	81 %	65	65
83	Bouchard, Joseph F.	47	47	73 %	60	53
3	Bowling, Dan C.	54	52	85 %	59	48
48	Brink, Robert H.	55	46	69 %	62	61
37	Bulova, David L.	53	46	73 %	59	56
22	Byron, Kathy J.	74	62	87 %	76	72
67	Caputo, C. Charles	62	51	73 %	69	59
5	Carrico, Charles W., Sr.	64	53	86 %	60	56
24	Cline, Benjamin L.	61	56	87 %	64	59
88	Cole, Mark L.	62	49	81 %	57	51
78	Cosgrove, John A.	66	59	87 %	71	68
66	Cox, M. Kirkland	74	57	88 %	66	81
6	Crockett-Stark, Anne B.	53	53	80 %	65	58
63	Dance, Rosalyn R.	53	40	69 %	51	46
49	Ebbin, Adam P.	52	42	73 %	51	48
47	Eisenberg, Albert C.	51	41	73 %	49	42
45	Englin, David L.	49	41	67 %	54	48
17	Fralin, William H., Jr.	69	49	67 %	70	67
52	Frederick, Jeffrey M.	53	45	80 %	50	42
91	Gear, Thomas D.	61	48	87 %	49	43
15	Gilbert, C. Todd	59	52	87 %	57	55
8	Griffith, H. Morgan	68	53	81 %	64	81
69	Hall, Franklin P.	66	50	71 %	69	70
93	Hamilton, Phillip A.	74	60	87 %	73	85
55	Hargrove, Frank D., Sr.	76	58	82 %	74	68
60	Hogan, Clarke N.	66	50	81 %	58	76
90	Howell, Algje T., Jr.	56	42	71 %	53	50
28	Howell, William J.	74	60	88 %	71	85
40	Hugo, Timothy D.	67	51	73 %	69	74
38	Hull, Robert D.	53	50	80 %	60	56
84	Iaquinto, Salvatore R.	64	54	80 %	68	61
62	Ingram, Riley E.	76	57	75 %	79	73
56	Janis, William R.	65	55	87 %	63	62
79	Joannou, Johnny S.	53	52	81 %	62	69
4	Johnson, Joseph P., Jr.	60	54	77 %	71	62
70	Jones, Dwight Clinton	51	45	73 %	56	58
76	Jones, S. Chris	76	62	88 %	75	72
1	Kilgore, Terry G.	71	59	80 %	78	84
25	Landes, R. Steven	72	58	88 %	67	72
100	Lewis, Lynwood W., Jr.	68	56	73 %	78	63
31	Lingamfelter, L. Scott	65	53	86 %	60	60
26	Lohr, Matthew J.	63	56	87 %	65	62

## VAFREE Incumbent Evaluations ★ House Summary Results

District	Delegate	Cumulative Business Rating	2008 Business Rating	2008 Vote Percentage	2008 Stewardship	2008 Effectiveness
68	Loupassi, G. Manoli	55	55	86 %	63	53
41	Marsden, David W.	61	51	71 %	70	65
14	Marshall, Daniel W., III	76	65	87 %	82	72
13	Marshall, Robert G.	62	52	90 %	54	49
72	Massie, James P. (Jimmie), III	57	57	87 %	66	55
21	Mathieson, Robert W.	53	53	73 %	73	57
33	May, Joe T.	77	62	80 %	83	82
71	McClellan, Jennifer L.	60	53	73 %	72	72
80	Melvin, Kenneth R.	53	50	73 %	67	71
16	Merricks, Donald W.	61	61	87 %	75	57
50	Miller, Jackson H.	64	59	87 %	71	60
87	Miller, Paula J.	62	50	73 %	67	56
46	Moran, Brian J.	62	51	73 %	69	76
98	Morgan, Harvey B.	68	57	86 %	68	66
74	Morrissey, Joseph D.	46	46	69 %	62	54
51	Nichols, Paul F.	51	51	80 %	62	53
27	Nixon, Samuel A., Jr.	79	61	80 %	81	80
7	Nutter, David A.	68	60	87 %	72	64
73	O'Bannon, John M., III	70	58	81 %	74	73
94	Oder, G. Glenn	74	60	87 %	73	67
54	Orrock, Robert D., Sr.	73	55	80 %	69	69
97	Peace, Christopher Kilian	60	53	80 %	65	61
2	Phillips, Clarence E.	55	50	75 %	65	62
36	Plum, Kenneth R.	53	48	73 %	63	61
96	Pogge, Brenda L.	55	55	87 %	63	51
9	Poindexter, Charles D.	57	57	87 %	66	55
32	Poisson, David E.	67	57	80 %	74	60
99	Pollard, Albert C., Jr.	58	49	75 %	62	59
82	Purkey, Harry R.	76	56	80 %	71	67
19	Putney, Lacey E.	72	57	75 %	78	84
86	Rust, Thomas Davis	74	69	93 %	84	81
20	Saxman, Christopher B.	71	62	87 %	76	75
30	Scott, Edward T.	75	63	87 %	78	73
53	Scott, James M.	61	49	69 %	69	62
35	Shannon, Stephen C.	68	54	73 %	74	65
29	Sherwood, Beverly J.	73	57	80 %	73	70
12	Shuler, James M.	71	55	77 %	73	65
43	Sickles, Mark D.	64	51	69 %	72	64
77	Spruill, Lionell, Sr.	52	41	73 %	48	54
81	Suit, Terrie L.	74	53	75 %	70	74
85	Tata, Robert	74	55	80 %	70	69
57	Toscano, David J.	60	48	71 %	65	65
75	Tyler, Roslyn C.	53	43	73 %	53	47
23	Valentine, Shannon R.	61	57	80 %	73	60
34	Vanderhye, Margaret G.	50	50	73 %	66	54
92	Ward, Jeion A.	55	43	73 %	53	47
11	Ware, Onzlee	61	49	75 %	62	55
65	Ware, R. Lee, Jr.	71	63	87 %	78	77
39	Watts, Vivian E.	59	50	73 %	66	66
61	Wright, Thomas C., Jr.	65	55	85 %	64	50



# Part 2 – 2008 General Assembly Voting Records



Following is a detailed look at 2008 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 2007 appear in earlier reports and are available at [www.vafree.com](http://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 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.

*Note: Delegate Albert Pollard was elected in a special election February 19 and therefore missed the first few weeks of the 2008 legislative session. As a result, he was not present for several votes used in this report.*

2008 Senate Votes

Legislator	SB756	SB446	SB602	SB645	SB576	HB159	HB543	SB233	SB714	HB1514	HQ4	HQ4	SJ6	SB14	HB547	SB161	Immigration: Corporate Existence	SB5001	HB366	SB718	SB525	HB1123	Vote Percentage	
	Carer Readiness Program	Mandatory Renewable Energy	Medical Malpractice	Mandated Health Benefits	Freezing Access to Credit Reports	Stolen Goods	Natural Gas; Alternative Ratemaking	Greenhouse Gas Emissions	Petroleum Franchises	Corporate Income Tax Reform	Homestead Exemption	Homestead Exemption	Homestead Exemption	Homestead Exemption	Mandated Notice of Tax Credit	Unemployment Compensation	Workers' Compensation	Immigration: Corporate Existence	Capital Outlay Bonds	Unemployment Compensation	Renewable Energy; Utility Reporting	Uranium Mining Commission		Real Estate Taxes for Public Utilities
Barber, George L.	+		+	+	+	+	+	+	+		+	+		+	+	+	+	+	+	+	+		56%	
Blennis, Harry B.	+		+	+	+	+	+	+	+		+	+			+	+	+	+	+	+	+	+		100%
Colgan, Charles J.	+	+	+	+	+	+	+	+	+	-		+	+	+	+	+	+	+	+	+	+	+	+	62%
Cuccinelli, Ken, II	+		+	+	+	+	+	+	+		+	+	+		+	+	+	+	X	+	+	+	+	94%
Deeds, R. Creigh	+		+	+	+	+	+	+	+		+	+	+		+	+	+	+	+	+	+	+	+	56%
Edwards, John S.	+	+	+	+	+	+	+	+	+	+	+	+	+		+	+	+	+	+	+	+	+	+	58%
Hanger, Emmett W., Jr.	+		+	+	+	+	+	+	+	+		+	+		+	+	+	+	+	+	+	+	+	95%
Herrings, Mark R.	+		+	+	+	+	+	+	+		+	+	+		+	+	+	+	+	+	+	+	+	61%
Houck, R. Edward	+		+	+	+	+	+	+	+		+	+	+		+	+	+	+	+	+	+	+	+	45%
Howell, Janet D.	+		+	+	+	+	+	+	+		+	+	+		+	+	+	+	+	+	+	+	+	43%
Hurt, Robert	+		+	+	+	+	+	+	+		+	+	+		+	+	+	+	+	+	+	+	+	100%
Locke, Mamie E.	+		+	+	+	+	+	+	+		+	+	+		+	+	+	+	+	+	+	+	+	53%
Lucas, L. Louise	+		+	+	+	+	+	+	+		+	+	+		+	+	+	+	+	+	+	+	+	50%
Marsh, Henry L., III	+		+	+	+	+	+	+	+		+	+	+		+	+	+	+	+	+	+	+	+	55%
Martin, Stephen H.	+		+	+	+	+	+	+	+		+	+	+		+	+	+	+	+	+	+	+	+	100%
McDoigle, Ryan T.	+		+	+	+	+	+	+	+		+	+	+		+	+	+	+	+	+	+	+	+	94%
McEachin, A. Donald	+	+	+	+	+	+	+	+	+		+	+	+		+	+	+	+	+	+	+	+	+	58%
Miller, John C.	+		+	+	+	+	+	+	+		+	+	+		+	+	+	+	+	+	+	+	+	71%
Miller, Yvonne B.	+		+	+	+	+	+	+	+		+	+	+		+	+	+	+	+	+	+	+	+	43%
Newman, Stephen D.	+	+	+	+	+	+	+	+	+		+	+	+		+	+	+	+	X	+	+	+	+	100%
Normant, Thomas K., Jr.	+	+	+	+	+	+	+	+	+		+	+	+		+	+	+	+	+	+	+	+	+	100%
Northam, Ralph S.	+		+	+	+	+	+	+	+		+	+	+		+	+	+	+	+	+	+	+	+	56%
Obershain, Mark D.	+		+	+	+	+	+	+	+		+	+	+		+	+	+	+	+	+	+	+	+	94%
Petersen, Chap	+		+	+	+	+	+	+	+		+	+	+		+	+	+	+	+	+	+	+	+	56%
Puckett, Phillip P.	+	+	+	+	+	+	+	+	+		+	+	+		+	+	+	+	+	+	+	+	+	72%
Puller, Toddy	+	+	+	+	+	+	+	+	+		+	+	+		+	+	+	+	+	+	+	+	+	61%
Quayle, Frederick M.	+		+	+	+	+	+	+	+		+	+	+		+	+	+	+	+	+	+	+	+	95%
Reynolds, Wm. Roscoe	+		+	+	+	+	+	+	+		+	+	+		+	+	+	+	+	+	+	+	+	50%
Ruff, Frank M., Jr.	+		+	+	+	+	+	+	+		+	+	+		+	+	+	+	+	+	+	+	+	88%
Saslaw, Richard L.	+	+	+	+	+	+	+	+	+		+	+	+		+	+	+	+	+	+	+	+	+	57%
Smith, Ralph K.	+		+	+	+	+	+	+	+		+	+	+		+	+	+	+	+	+	+	+	+	89%
Stolle, Kenneth W.	+	+	+	+	+	+	+	+	+		+	+	+		+	+	+	+	+	+	+	+	+	100%
Stosch, Walter A.	+	+	+	+	+	+	+	+	+		+	+	+		+	+	+	+	+	+	+	+	+	100%
Stuart, Richard H.	+		+	+	+	+	+	+	+		+	+	+		+	+	+	+	+	+	+	+	+	94%
Ticer, Patricia S.	+		+	+	+	+	+	+	+		+	+	+		+	+	+	+	+	+	+	+	+	53%
Vogel, Jill Holzman	+		+	+	+	+	+	+	+		+	+	+		+	+	+	+	+	+	+	+	+	83%
Wagner, Frank W.	+	+	+	+	+	+	+	+	+		+	+	+		+	+	+	+	+	+	+	+	+	94%
Wampler, William C., Jr.	+	+	+	+	+	+	+	+	+		+	+	+		+	+	+	+	+	+	+	+	+	100%
Watkins, John	+	+	+	+	+	+	+	+	+		+	+	+		+	+	+	+	+	+	+	+	+	100%
Whipple, Mary Margaret	+	+	+	+	+	+	+	+	+		+	+	+		+	+	+	+	+	+	+	+	+	48%

## 2008 House Votes

	Career Readiness Program	Climate Change Commission	Medical Malpractice	Insurance Liability; Disclosure of Limits	Freezing Access to Credit Reports	Immigration; Corporate Existence	Stolen Goods	Natural Gas; Alternative Ratemaking	Greenhouse Gas Emissions	Corporate Income Tax Reform	Homestead Exemption	Homestead Exemption	Unemployment Compensation	Workers' Compensation	Capital Outlay Bonds	Unemployment Compensation	House Rule on Recorded Votes	
Legislator	HB 1526	HB 796	HB 501	HB 172	HB 1311	HB 926	HB 159	HB 543	SB 233	HB 1514	HJ 4	HJ 4	HB 547	SB 161	HB 5001	HB 366	H Rule	Vote Percentage
Abbitt, Watkins M., Jr.	+	+	+	+	+	+	+	+	+	+		X	+	+	+	+	—	93%
Albo, David B.	+		+	—	+	+	+	+	+	+	—	—	+	+	+	+	—	75%
Alexander, Kenneth C.	+		+	—	+	+	+	+	—	+	—	—	+	—	+	+	+	69%
Amundson, Kristen J.	+	—	+	—	+	+	+	+	—	+		—	+	—	+	+	+	69%
Armstrong, Ward L.	+	—	+	—	+	+	+	+	—	+		—	+	—	+	+	+	69%
Athey, Clifford L., Jr.	+		+	—	+	+	+	+	—	+		—	+	+	+	+	—	73%
BaCote, Mamy E.	+		+	—	X	+	+	+	—	+		—	+	—	+	+	+	71%
Barlow, William K.	+		+	—	+	+	+	+	—	+		—	+	—	+	+	+	73%
Bell, Robert B.	+		+	+	+	+	+	+	+	+	—	—	+	+	+	+	—	81%
Bouchard, Joseph F.	+		+	—	+	+	+	+	—	+		—	+	—	+	+	+	73%
Bowling, Dan C.	+		+	+	X	+	+	+	X	+		—	+	—	+	+	+	85%
Brink, Robert H.	+		+	—	+	+	+	+	—	+	—	—	+	—	+	+	+	69%
Bulova, David L.	+		+	—	+	+	+	+	—	+		—	+	—	+	+	+	73%
Byron, Kathy J.	+		+	+	+	+	+	+	+	+		—	+	+	+	+	—	87%
Caputo, C. Charles	+		+	—	+	+	+	+	—	+		—	+	—	+	+	+	73%
Carrico, Charles W., Sr.	+		+	+	X	+	+	+	+	+		—	+	+	+	+	—	86%
Cline, Benjamin L.	+		+	+	+	+	+	+	+	+		—	+	+	+	+	—	87%
Cole, Mark L.	+		+	+	+	+	+	+	+	+	—	—	+	+	+	+	—	81%
Cosgrove, John A.	+		+	+	+	+	+	+	+	+	X	—	+	+	+	+	—	87%
Cox, M. Kirkland	+	+	+	+	+	+	+	+	+	+		—	+	+	+	+	—	88%
Crockett-Stark, Anne B.	+		+	—	+	+	+	+	+	+		—	+	+	+	+	—	80%
Dance, Rosalyn R.	+		+	—	+	+	+	+	—	+	—	—	+	—	+	+	+	69%
Ebbin, Adam P.	+		+	—	+	+	+	+	—	+		—	+	—	+	+	+	73%
Eisenberg, Albert C.	+		+	—	+	+	+	+	—	+		—	+	—	+	+	+	73%
Englin, David L.	+		+	—	X	+	+	+	—	+	—	—	+	—	+	+	+	67%
Fralin, William H., Jr.	+		A	—	+	+	+	+	—	+	—	—	+	+	+	+	—	67%
Frederick, Jeffrey M.	+		+	+	+	+	+	+	X	+	—	—	+	+	+	+	—	80%
Gear, Thomas D.	+		+	+	+	+	+	+	+	+		—	+	+	+	+	—	87%
Gilbert, C. Todd	+		+	+	+	+	+	+	+	+		—	+	+	+	+	—	87%
Griffith, H. Morgan	+	+	+	—	+	+	+	+	+	+		—	+	+	+	+	—	81%
Hall, Franklin P.	+	X	+	—	A	+	+	+	—	+		—	+	—	+	+	+	71%
Hamilton, Phillip A.	+		+	+	+	+	+	+	+	+		—	+	+	+	+	—	87%
Hargrove, Frank D., Sr.	+	+	+	+	+	+	+	+	+	+	—	—	+	+	+	+	—	82%
Hogan, Clarke N.	+	+	+	+	—	+	+	+	+	+		—	+	+	+	+	—	81%
Howell, Algie T., Jr.	+		+	—	+	+	+	+	—	+		—	+	—	+	X	+	71%
Howell, William J.	+	+	+	+	+	+	+	+	+	+		—	+	+	+	+	—	88%
Hugo, Timothy D.	+		+	—	+	+	+	+	—	+		—	+	+	+	+	—	73%
Hull, Robert D.	+		+	+	+	+	+	+	—	+		—	+	—	+	+	+	80%
Iaquinto, Salvatore R.	+		+	—	+	+	+	+	+	+		—	+	+	+	+	—	80%
Ingram, Riley E.	+		+	—	+	+	+	+	+	+	—	—	+	+	+	+	—	75%
Janis, William R.	+		+	+	+	+	+	+	+	+		—	+	+	+	+	—	87%
Joannou, Johnny S.	+	+	+	—	+	+	+	+	+	+	A	—	+	—	+	+	+	81%
Johnson, Joseph P., Jr.	+	—	+	—	+	X	X	+	+	+		—	+	X	+	+	+	77%
Jones, Dwight Clinton	+		+	—	+	+	+	+	—	+		—	+	—	+	+	+	73%
Jones, S. Chris	+	+	+	+	+	+	+	+	+	+	+	—	+	+	+	+	—	88%
Kilgore, Terry G.	+		+	—	+	+	+	+	+	+		—	+	+	+	+	—	80%
Landes, R. Steven	+	+	+	+	+	+	+	+	+	+		—	+	+	+	+	—	88%
Lewis, Lynwood W., Jr.	+		+	—	+	+	+	+	—	+		—	+	—	+	+	+	73%
Lingamfelter, L. Scott	+		+	+	+	+	+	+	+	+		—	+	+	+	X	—	86%
Lohr, Matthew J.	+		+	+	+	+	+	+	+	+		—	+	+	+	+	—	87%
Loupassi, G. Manoli	+		+	X	+	+	+	+	+	+		—	+	+	+	+	—	86%
Marsden, David W.	+		+	—	+	+	+	+	—	+		—	+	—	X	+	+	71%
Marshall, Daniel W., III	+		+	+	+	+	+	+	+	+		—	+	+	+	+	—	87%
Marshall, Robert G.	X		+	+	X	+	+	+	X	X		—	X	+	+	+	+	90%
Massie, James P. (Jimmie), III	+		+	+	+	+	+	+	+	+		—	+	+	+	+	—	87%
Mathieson, Robert W.	+		+	—	+	+	+	+	—	+		—	+	—	+	+	+	73%
May, Joe T.	+		+	—	+	+	+	+	+	+		—	+	+	+	+	—	80%
McClellan, Jennifer L.	+		+	—	+	+	+	+	—	+		—	+	—	+	+	+	73%
Melvin, Kenneth R.	+		+	—	+	+	+	+	—	+		—	+	—	+	+	+	73%
Merricks, Donald W.	+		+	+	+	+	+	+	+	+		—	+	+	+	+	—	87%

## 2008 House Votes

	Career Readiness Program	Climate Change Commission	Medical Malpractice	Insurance Liability; Disclosure of Limits	Freezing Access to Credit Reports	Immigration; Corporate Existence	Stolen Goods	Natural Gas; Alternative Ratemaking	Greenhouse Gas Emissions	Corporate Income Tax Reform	Homestead Exemption	Homestead Exemption	Unemployment Compensation	Workers' Compensation	Capital Outlay Bonds	Unemployment Compensation	House Rule on Recorded Votes	
Legislator	HB 1526	HB 796	HB 501	HB 172	HB 1311	HB 926	HB 159	HB 543	SB 233	HB 1514	HJ 4	HJ 4	HB 547	SB 161	HB 5001	HB 366	H Rule	Vote Percentage
Miller, Jackson H.	+		+	+	+	+	+	+	+	+	A	—	+	+	+	+	—	87%
Miller, Paula J.	+		+	—	+	+	+	+	—	+		—	+	—	+	+	+	73%
Moran, Brian J.	+		+	—	+	+	+	+	—	+		—	+	—	+	+	+	73%
Morgan, Harvey B.	+		+	+	X	+	+	+	+	+		—	+	+	+	+	—	86%
Morrissey, Joseph D.	+		+	—	+	+	+	+	—	+	—	—	+	—	+	+	+	69%
Nichols,Paul F.	+		+	+	+	+	+	+	—	+		—	+	—	+	+	+	80%
Nixon, Samuel A., Jr.	+		+	—	+	+	+	+	+	+		—	+	+	+	+	—	80%
Nutter, David A.	+		+	+	+	+	+	+	+	+		—	+	+	+	+	—	87%
O'Bannon, John M., III	+		+	+	+	+	+	+	+	+	—	—	+	+	+	+	—	81%
Oder, G. Glenn	+		+	+	+	+	+	+	+	+		—	+	+	+	+	—	87%
Orrock, Robert D., Sr.	+		+	—	+	+	+	+	+	+		—	+	+	+	+	—	80%
Peace, Christopher Kilian	+		+	—	+	+	+	+	+	+		—	+	+	+	+	—	80%
Phillips, Clarence E.	+		+	—	+	+	+	+	+	+	—	—	+	—	+	+	+	75%
Plum, Kenneth R.	+		+	—	+	+	+	+	—	+		—	+	—	+	+	+	73%
Pogge, Brenda L.	+		+	+	+	+	+	+	+	+		—	+	+	+	+	—	87%
Poindexter, Charles D.	+		+	+	+	+	+	+	+	+		—	+	+	+	+	—	87%
Poisson, David E.	+		+	+	+	+	+	+	—	+		—	+	—	+	+	+	80%
Pollard, Albert C., Jr.	+				+	+	+	+	—					—	+			75%
Purkey, Harry R.	+		+	—	+	+	+	+	+	+		—	+	+	+	+	—	80%
Putney, Lacey E.	X	+	+	—	+	+	+	+	+	+	—	—	+	+	+	+	—	75%
Rust, Thomas Davis	+		+	+	+	+	+	+	+	+		X	+	+	+	+	—	93%
Saxman, Christopher B.	+		+	+	+	+	+	+	+	+		—	+	+	+	+	—	87%
Scott, Edward T.	+		+	+	+	+	+	+	+	+		—	+	+	+	+	—	87%
Scott, James M.	+		+	—	+	+	+	+	—	+	—	—	+	—	+	+	+	69%
Shannon, Stephen C.	+		+	—	+	+	+	+	—	+		—	+	—	+	+	+	73%
Sherwood, Beverly J.	+		+	—	+	+	+	+	+	+		—	+	+	+	+	—	80%
Shuler, James M.	+		+	+	X	+	+	+	—	+		—	+	—	X	+	+	77%
Sickles, Mark D.	+		+	—	+	+	+	+	—	+	—	—	+	—	+	+	+	69%
Spruill, Lionell, Sr.	+	—	+	—	+	+	+	+	—	+		X	+	—	+	+	+	73%
Suit, Terrie L.	+		+	—	+	+	+	+	+	+	—	—	+	+	+	+	—	75%
Tata, Robert	+		+	+	+	+	+	+	—	+		—	+	+	+	+	—	80%
Toscano, David J.	+		+	—	X	+	+	+	—	+		—	+	—	+	+	+	71%
Tyler, Roslyn C.	+		+	—	+	+	+	+	—	+		—	+	—	+	+	+	73%
Valentine, Shannon R.	+		+	+	+	+	+	+	—	+		—	+	—	+	+	+	80%
Vanderhye, Margaret G.	+		+	—	+	+	+	+	—	+		—	+	—	+	+	+	73%
Ward, Jeion A.	+		+	—	+	+	+	+	—	+		—	+	—	+	+	+	73%
Ware, Onzlee	+		+	—	+	X	X	+	—	+		—	+	X	+	+	+	75%
Ware, R. Lee, Jr.	+		+	+	+	+	+	+	+	+		—	+	+	+	+	—	87%
Watts, Vivian E.	+		+	—	+	+	+	+	—	+		—	+	—	+	+	+	73%
Wright, Thomas C., Jr.	+		+	+	X	+	+	+	+	+		—	+	+	X	+	—	85%

# The List of Chief Patrons



This list shows the legislators who were chief patrons of legislation used in the 2008 Virginia FREE Incumbent Evaluations that were supported by business.

David B. Albo – Stolen goods  
Kathy J. Byron – Career Readiness Program  
Kathy J. Byron – Credit report freeze  
Kathy J. Byron – Income tax apportionment for manufacturers  
Charles W. Carrico, Sr. – Unemployment compensation  
Charles J. Colgan – Capital outlay bonds  
Phillip A. Hamilton – Medical malpractice  
S. Chris Jones – Property taxes; public service corporations  
Samuel A. Nixon, Jr. – Natural gas utilities; alternative ratemaking plan  
Samuel A. Nixon, Jr. – Unemployment compensation  
Thomas K. Norment, Jr. – Medical malpractice  
Kenneth R. Plum – Recorded votes in subcommittee  
Lacey E. Putney – Capital outlay bonds  
Frank M. Ruff, Jr. – Career Readiness Program  
Richard L. Saslaw – Credit report freeze  
Frank W. Wagner – Uranium Mining Commission

This list shows the legislators who were chief patrons of bills used in the 2008 Virginia FREE Incumbent Evaluations that were opposed by business.

David B. Albo – Homestead Exemption  
John S. Edwards – Income tax credit; employers to provide notice  
David L. Englin – Climate Change Commission  
Janet D. Howell – Petroleum products franchises  
A. Donald McEachin – Workers' compensation  
J. Chapman Petersen – Renewable Energy Portfolio  
Patricia S. Ticer – Health insurance; mandated coverage  
Terry G. Kilgore – Insurance liability disclosure  
Kathy J. Byron – Illegal aliens; corporate existence terminated  
Mark D. Obenshain – Illegal aliens; corporate existence terminated  
Linda T. Puller – Renewable energy  
Mary Margaret Whipple – Goals for greenhouse gas emission.  
Mary Margaret Whipple – Homestead Exemption

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

# Appendix A

## Terms and Methods for VAFREE Evaluations



### Cumulative Business Rating

Virginia FREE's Cumulative Business Rating indicates the average of each legislator's Virginia FREE Business Ratings from 1995 through 2008 or, for those taking office after 1995, the average from the legislator's first year in office through 2008. For several 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.

*NOTE: Virginia FREE has deducted 20 points across the board from every legislator's Business Rating in this year's Incumbent Evaluations. The Board of Directors believes this is necessary to reflect the lack of leadership, compromise and problem solving that should be the hallmarks of the Virginia General Assembly.*

### 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.*

*(Appendix A continued)*

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 2008 Voting Records



## **HB 1526 - Virginia Career Readiness Certificate Program**

**Patron: Kathy J. Byron**

**Supported by Business**

Creates the Virginia Career Readiness Certification Program to certify the workplace and college readiness skills of Virginians, in order to better prepare them for continued education and workforce training, successful employment, and career advancement. The Virginia Workforce Council, in consultation with the Secretary of Education, shall promulgate regulations necessary to implement and administer the Program. Funding shall come from the Workforce Investment Act, or such other source as shall be made available, in an amount not to exceed \$1 million. This bill is identical to SB 756.

Vote: 03/05/08 - House: VOTE: --- ADOPTION (98-Y 0-N)

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## **SB 756 - Virginia Career Readiness Certificate Program**

**Patron: Frank M. Ruff, Jr.**

**Supported by Business**

This bill is identical to HB 1526 (see above)

Vote: 02/21/08 - Senate: House amendment agreed to by Senate (40-Y 0-N)

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## **HB 796 Climate Change Commission**

**Patron: David L. Englin**

**Opposed by Business**

Would have established a Commission on Climate Change in the legislative branch of government with 11 members to develop a Climate Change Action Plan that: (i) characterizes the quantity and source of greenhouse gas emissions in the Commonwealth; (ii) identifies the potential impacts and effects of increasing atmospheric greenhouse gas concentrations on the state; (iii) identifies actions necessary to prepare for and mitigate the likely consequences of climate change; (iv) quantifies a greenhouse gas reduction target; (v) identifies and evaluates both state and regional climate action plans that address climate change and greenhouse gas emissions; and (vi) identifies economically viable programs, policies, and actions that are needed to meet state targets for reducing greenhouse gas emissions. In its development of the Climate Change Action Plan, the Commission shall consider demand-side energy conservation by utilities and consumers; expanding renewable energy portfolios; rate decoupling; time-of-use pricing; mandatory energy efficiency measures; and transportation demand management. Wherever possible, the Commission shall examine opportunities to couple greenhouse gas reductions with economic development and other market based approaches to statewide greenhouse gas reductions. This bill incorporates HB 676.

Vote: 01/22/08 - House: Passed by indefinitely in Rules (10-Y 4-N)

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## **SB 446 - Renewable Energy Portfolio**

**Patron: J. Chapman Petersen**

**Opposed by Business**

Would have required that by the year commencing July 1, 2020, and in subsequent years, 20% of the electric energy sold by each supplier to retail customers in the Commonwealth be generated from renewable generation energy sources, and that each supplier achieve reductions in the consumption of electric energy by its retail customers, through the

supplier's implementation of energy efficiency programs, in an amount equal to 10% of the amount of electric energy consumed by its retail customers in 2007. The requirements are phased in over a period commencing July 1, 2008. The 20% requirement for renewable generation energy sources is comprised of three categories of renewable energy sources, each of which has separate percentage requirements. Generators of renewable energy receive renewable energy credits for power generated through eligible renewable sources or conserved through energy efficiency programs. Suppliers who do not comply with the minimum percentage requirements are required to make alternative compliance payments into a new Virginia Sustainable Energy Fund. Distributors are authorized to recover incremental costs of compliance under the procedure for recovery of the costs of purchased power. Electric cooperatives and municipal electric utilities are exempted from the measure. Generators of eligible renewable energy using certain components manufactured within the Commonwealth receive double the amount of renewable energy credits. The Secretary of Commerce and Trade is directed to develop incentives for renewable energy manufacturing in the coalfield region of Virginia. The measure also (i) creates a Clean Energy Fund and (ii) establishes a commercial in-state production tax credit of 0.06 cents per kWh for solar photovoltaic energy and 0.03 cents per kWh for wind energy. Finally, Secretary of Commerce and Trade is directed to develop a Green Jobs program that will provide training for workers in new industries relating to the field of alternative energies, including the manufacture and operation of products used to generate electricity and other forms of energy from alternative sources.

Vote: 02/11/08 - Senate: Failed to report (defeated) in Commerce and Labor (3-Y 12-N)

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**HB 501 - Medical malpractice**

**Patron: Phillip A. Hamilton**

**Supported by Business**

Defines the term "professional services in nursing homes" in the context of medical malpractice actions as services provided to a patient by a health care provider, including psycho-social services, personal hygiene, hydration, nutrition, fall assessments or interventions, patient monitoring, prevention and treatment of medical conditions, diagnosis or therapy. This bill is in response to the Supreme Court decision in *Alcoy v. Valley Nursing Homes, Inc.*, 272 Va. 37, 630 S.E.2d 301 (2006). This bill incorporates HB 1051 and is identical to SB 602.

Vote: 02/07/08 - House: VOTE: --- PASSAGE (98-Y 0-N 1-A)

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**SB 602 - Medical malpractice**

**Patron: Thomas K. Norment, Jr.**

**Supported by Business**

This bill is identical to HB 501 (see above)

Vote: 02/11/08 - Senate: Passed Senate (40-Y 0-N)

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**SB 645 - Health insurance; mandated coverage**

**Patron: Patricia S. Ticer**

**Opposed by Business**

Would have required health insurers, health care subscription plans, and health maintenance organizations to provide coverage for the cost of prosthetic devices and components, if the treating physician certifies the medical necessity of the prosthetic device and component as a proposed course of treatment. The coverage shall, at a minimum, equal the coverage provided under provisions of the federal Medicare program. Business opposed the bill on grounds that health care mandates increase the cost of providing health insurance. Virginia already ranks third nationally in the number of mandated benefits. As health care costs rise, fewer employers can afford to offer insurance, increasing the number of uninsured.

Vote: 02/11/08 - Senate: Motion to recommit to committee agreed to (23-Y 17-N)

**HB 172 - Insurance liability disclosure**

**Patron: Terry G. Kilgore**

**Opposed by Business**

Would have allowed an injured person, or his attorney, to request the disclosure of the liability limits of an insurance policy prior to filing a civil action for personal injuries resulting from a motor vehicle accident.

Vote: 02/12/08 - House: VOTE: --- PASSAGE (55-Y 43-N)

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**HB 1311 - Credit report freeze**

**Patron: Kathy J. Byron**

**Supported by Business**

Authorizes any consumer to freeze access to his credit report. If a consumer has placed a freeze on his credit report, a consumer reporting agency is prohibited from releasing the credit report, or any information in it, without the consumer's express authorization. The measure provides a means by which a consumer can release his report, permanently, temporarily, or to a specific third party. Certain disclosures are exempt from the freeze. A fee of up to \$10 may be charged for establishing a freeze, except identity theft victims are not required to pay a fee. SB 576 is identical. HB 1339, HB 785, HB 607, HB 897, HB 1307, HB 35, HB 345, HB 4, HB 175, and HB 16 are incorporated in this bill.

Vote: 03/08/08 - House: House concurred in Governor's recommendation (89-Y 1-N 1-A)

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**SB 576 - Credit report freeze**

**Patron: Richard L. Saslaw**

**Supported by Business**

This bill is identical to HB 1311 (see above)

Vote: 03/08/08 - Senate: Senate concurred in Governor's recommendation (40-Y 0-N)

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**HB 926 - Illegal aliens; corporate existence terminated involuntarily for employing.**

**Patron: Kathy J. Byron**

**Opposed by Business as introduced; Supported by Business as Amended**

Provides that the authority of certain business entities, including foreign and domestic corporations, limited liability companies, business trusts, and limited partnerships, to operate in the Commonwealth may be terminated involuntarily or revoked upon the conviction of the business entity for a violation of 8 U.S.C. § 1324a(f) (hiring or continuing to employ illegal aliens). A business entity whose authority to operate in the Commonwealth is terminated or revoked is not eligible to have that authority reinstated for a period of not less than one year. The business entity shall immediately report any such conviction to the State Corporation Commission and file with the Commission an authenticated copy of the judgment or record of conviction. This bill incorporates HB 227 (Cosgrove). This bill is identical to SB 782.

Vote: 02/29/08 - House: Senate substitute agreed to by House (98-Y 0-N)

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**SB 782 - Illegal aliens; corporate existence terminated involuntarily for employing.**

**Patron: Mark D. Obenshain**

**Opposed by Business as introduced; Supported by Business as Amended**

This bill is identical to HB 926 (see above)

Vote: 03/06/08 - Senate: House substitute agreed to by Senate (36-Y 4-N)

**HB 159 - Stolen goods; person guilty of larceny if knowledge of property buying or receiving is stolen.**

**Patron: David B. Albo**

**Supported by Business**

Provides that if a person buys or receives any goods used in the course of a criminal investigation by law enforcement that the person believes are stolen, he is deemed guilty of larceny of the goods.

Votes: 02/27/08 - Senate: Passed Senate with amendment (40-Y 0-N)

02/29/08 - House: VOTE: --- ADOPTION (98-Y 0-N)

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**HB 543 - Natural gas utilities; alternative ratemaking plan, report.**

**Patron: Samuel A. Nixon, Jr.**

**Supported by Business**

Authorizes any natural gas utility to file a conservation and ratemaking efficiency plan that includes (i) a normalization component that removes the effect of weather from the determination of conservation and energy efficiency results, (ii) a decoupling mechanism, (iii) cost-effective conservation and energy efficiency programs, (iv) provisions to address the needs of low-income or low-usage residential consumers, and (v) provisions to ensure that the rates and service to nonparticipating classes of customers are not adversely impacted. Such plans may include one or more residential, small commercial, or small general service classes, but shall not apply to large commercial or large industrial customer classes. The State Corporation Commission (SCC) is required to allow a utility that implements a plan to recover, through its regulated rates, its costs, together with a return thereon, associated with cost-effective conservation and energy efficiency programs. Utilities that demonstrate certain reductions in annualized, weather-normalized usage per customer will receive the opportunity to earn an incentive of up to 15 percent share of the independently verified net economic benefits created by the conservation and energy efficiency programs. The SCC is prohibited from reducing a utility's profit as a result of the implementation of a natural gas conservation and ratemaking efficiency plan.

Votes: 02/28/08 - Senate: Passed Senate with substitute (39-Y 0-N 1-A)

03/03/08 - House: Senate substitute agreed to by House 089564656-S1 (100-Y 0-N)

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**SB 233 - Transportation Plan; include quantifiable measures & achievable goals for greenhouse gas emission.**

**Patron: Mary Margaret Whipple**

**Opposed by Business**

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

Votes: 01/23/08 - Senate: Read third time and passed Senate (22-Y 18-N)

03/06/08 - House: Motion to re-refer to committee agreed to (52-Y 45-N)

Statements of Intent:

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

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

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**SB 714 - Petroleum products franchises; rights of dealers upon sale or assignment of franchise agreement.**

**Patron: Janet D. Howell**

**Opposed by Business**

As passed by the Senate, the bill would have prohibited a franchisor that owns a marketing premises that it leases to a petroleum products dealer or owns a leasehold interest in premises that are occupied by a dealer from selling, transferring, or assigning the franchisor's interest in the premises to another person unless the franchisor has first either (i) made a bona fide offer to sell, transfer, or assign to the dealer the franchisor's interest in the premises or (ii) if applicable, offered to the dealer a right of first refusal of any bona fide offer acceptable to the franchisor made by another person or party to

purchase the franchisor's interest in the premises. After receipt of a bona fide offer from the franchisor, the dealer has not less than 60 days to exercise his rights, and closing on the premises shall occur within 60 days after the dealer's exercise of the rights or the date set out in the offer, whichever is later.

Vote: 02/12/08 - Senate: Passed Senate (26-Y 14-N)

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**HB 1514 - Income tax, corporate; apportionment for manufacturers.**

**Patron: Kathy J. Byron**

**Supported by Business**

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 July 1, 2010.

Votes: 02/12/08 - House: VOTE: BLOCK VOTE PASSAGE (98-Y 0-N)

02/26/08 - Senate: Continued to 2009 in Finance (9-Y 7-N)

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**HJ 4 - Constitutional amendment; exempts certain homeowners from taxation (second reference).**

**Patron: David B. Albo**

**Opposed by Business**

Would have authorized the General Assembly to enact legislation that will allow localities by ordinance to exempt from real property taxes, or defer real property taxes on, up to 20 percent of the value of residential or farm property that is the owner-occupant's primary dwelling and lived in continuously. This resolution incorporates HJR 3, HJR 56, and HJR 121.

Votes:

01/25/08 - House: Reported from Privileges and Elections with substitute (18-Y 1-N)

01/29/08 - House: VOTE: --- ADOPTION (96-Y 0-N)

02/19/08 - Senate: Reported from Privileges and Elections (11-Y 4-N)

02/25/08 - Senate: Motion to recommit to committee agreed to (21-Y 19-N)

Statement of Intent:

Delegate Rust recorded as not voting. Intended to vote yea (01/29/08).

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**SJ 6 - Constitutional amendment; exempts certain homeowners from taxation (second reference).**

**Patron: Mary Margaret Whipple**

**Opposed by Business**

Would have authorized the General Assembly to enact legislation that will allow localities by ordinance to exempt from real property taxes, or defer real property taxes on, up to 20 percent of the value of residential or farm property that is the owner- occupant's primary dwelling and lived in continuously.

Vote: 02/07/08 - Senate: Failed to report (defeated) in Finance (8-Y 8-N)

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**SB 14 - Income tax credit, earned; employers to provide notice to employees.**

**Patron: John S. Edwards**

**Opposed by Business**

Would have required employers to post any notice that may be provided by the Department of Social Services informing all employees that they may be eligible for the earned income tax credit. Establishes a fine for noncompliance, which shall be no less than \$100 nor more than \$250.

Vote: 01/25/08 - Senate: Passed Senate (23-Y 16-N)

**HB 547 - Unemployment compensation; maximum weekly benefit.**

**Patron: Samuel A. Nixon, Jr.**

**Supported by Business**

Increases the wages an employee must have earned in the two highest earnings quarters of his base period in order to be eligible for unemployment benefits from \$2,700 to \$3,000 for claims effective on or after July 5, 2009. The measure also increases the maximum weekly unemployment compensation benefit from \$363 to \$378 for claims effective on or after July 6, 2008.

Votes: 02/12/08 - House: VOTE: BLOCK VOTE PASSAGE (98-Y 0-N)

03/04/08 - Senate: Passed Senate (40-Y 0-N)

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**SB 161 - Workers' compensation; alternative dispute resolution systems.**

**Patron: A. Donald McEachin**

**Opposed by Business**

Would have authorized an employer primarily engaged in the construction business and a collective bargaining representative of its employees, with which the employer has a signatory agreement, to negotiate a dispute resolution system, which may include mediation and binding arbitration. The agreement may authorize or require the use of an agreed list of health care providers, which shall be the exclusive source of examinations, treatment, and testimony provided under the Workers' Compensation Act. The system would be an alternative to dispute resolution procedures in the Workers' Compensation Act. Such agreements may also address the use of an agreed list of health care providers for treatment and examinations, light duty and return-to-work programs, and vocational rehabilitation or retraining. Settlements must be approved by the Workers' Compensation Commission. Arbitration decisions may be reviewed in the same manner as decisions of deputy commissioners.

Votes:

02/11/08 - Senate: Passed Senate (20-Y 19-N)

02/29/08 - House: Defeated by House (43-Y 55-N)

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**SB 5001 - Capital outlay projects; issuance of bonds**

**Patron: Charles J. Colgan**

**Supported by Business**

Creates a process for determining state capital outlay projects to be funded in a rolling six-year plan including (i) creating the Six-year Capital Outlay Advisory Committee that will receive proposed projects from state agencies and compile a six-year list of projects for the Governor's and the General Assembly's consideration prior to the 2009 Session; (ii) requesting that the Governor consider the Advisory Committee's list and then submit his suggested six-year capital outlay plan for consideration by the 2009 General Assembly Session. After the General Assembly passes a bill creating the six-year capital outlay plan, the Advisory Committee and the Governor will annually carry out their functions in the nature of suggested modifications to that plan for consideration by the General Assembly.

The bill also provides almost \$1.5 billion in funding for specific capital projects, with \$437,671,000 of that amount being in proceeds from bonds to be issued by the Virginia Public Building Authority, and \$964,593,000 of that amount being from bonds to be issued by the Virginia College Building Authority, and the remainder from general funds.

Vote: 04/23/08 - Senate: Conference report agreed to by Senate (38-Y 0-N)

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**HB 5001 - Capital outlay projects; issuance of bonds**

**Patron: Lacey E. Putney**

**Supported by Business**

This bill is identical to SB 5001 (see above)

Vote: 04/23/08 - House: Conference report agreed to by House (97-Y 0-N)

**HB 366 - Unemployment compensation; testing for controlled substances.**

**Patron: Charles W. Carrico, Sr.**

**Supported by Business**

Disqualifies an individual from receiving unemployment compensation benefits if he is discharged from employment as a result of a confirmed positive test for a nonprescribed controlled substance conducted in a United States Department of Transportation-qualified drug screen, conducted in accordance with an employer's bona fide drug policy. Currently, an individual is ineligible for unemployment benefits if he fails a drug test conducted in accordance with scientifically recognized standards by a laboratory accredited by the United States Department of Health and Human Services, or the College of American Pathology, or the American Association for Clinical Chemistry, or the equivalent.

Votes:

01/23/08 - House: VOTE: BLOCK VOTE PASSAGE (97-Y 0-N)

03/04/08 - Senate: Passed Senate (40-Y 0-N)

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**SB 718 - Renewable energy; investor-owned electric utilities report annually on efforts to conserve energy.**

**Patron: Linda T. Puller**

**Opposed by Business**

Requires investor-owned electric utilities to report annually on their efforts to conserve energy. The measure also requires the Virginia Energy Plan to be updated by July 1, 2010, and every four years thereafter. Currently, the Energy Plan is required to be updated in July 2012 and every five years thereafter. The measure also requires utilities to report annually on their efforts to meet the renewable portfolio standard goals, renewable generation overall, and relevant advances in renewable energy generation technology. The Governor's proposed amendment stated that Each investor-owned incumbent electric utility shall report to the Commission annually by November 1 on (i) its efforts, if any, to meet the RPS Goals, (ii) its overall generation of renewable energy, and (iii) advances in renewable generation technology that affect activities described in clauses (i) and (ii).

Vote: 03/08/08 - Senate: Senate rejected Governor's recommendation (19-Y 21-N)

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**SB 525 - Uranium Mining Commission**

**Patron: Frank W. Wagner**

**Supported by Business**

Would have established the Virginia Uranium Mining Commission, as a legislative branch advisory commission to assess the risks and benefits of developing uranium resources in Virginia. This Commission was proposed because Virginia currently has a moratorium on mining uranium.

Vote: 02/12/08 - Senate: Passed Senate (36-Y 4-N)

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**HB 1123 - Real estate and personal property taxes; applied to property of public service corporations**

**Patron: S. Chris Jones**

**Supported by Business as Introduced; Amendment Opposed by Business**

Provides that the additional real property tax authorized to be imposed on commercial property by the localities in the Hampton Roads Transportation Authority shall not be imposed on property of a public service corporation or electric supplier unless a final certificate of occupancy for a commercial or industrial use has been issued and remains in effect. The amendment adopted by Senate Finance limited the exemption for unoccupied utility property to the localities in the Hampton Roads Transportation Authority. The bill as passed by the House provided this exemption to the localities in the Northern Virginia Transportation Authority as well.

Vote: 02/26/08 - Senate: Amendment adopted in Senate Finance Committee 9-7

**House Rules Amendment to require recorded votes in subcommittee**  
**Patron: Kenneth R. Plum**  
**Supported by Business**

Would have amended House rules to require that votes in subcommittee be recorded and made public.

Vote: 01/09/08 - House: Floor Amendment Defeated (45-Y 54-N)