



## VHTA 2010 Bill Tracking List

### House Bills

#### **HB 2 Income tax, state; small business investment tax credit.**

**G. Manoli Loupassi**

Income tax; small business investment tax credit. Provides a tax credit equal to 10% of the eligible investments made by small business taxpayers in personal property and real estate improvements used in the business. The investments must be made beginning July 1, 2010, but before July 1, 2011, and the minimum amount must be \$10,000 in order to qualify for the credit. For purposes of the credit, a business qualifies as small if it has 500 or fewer employees.

**Continued to 2011; finished for the year**

#### **HB 31 Health benefits plans; sale by foreign health insurers to persons in State.**

**Robert G. Marshall**

**Health benefits plans offered by foreign health insurers.** Authorizes any foreign health insurer approved by any other state to sell a group health benefits plan that is offered in the insurer's domiciliary state to sell to persons in Virginia any health benefits plan that has been approved by another state.

**Defeated 1/26 by House Commerce & Labor Subcommittee #1**

#### **HB 34 Health insurance; mandated coverage for autism spectrum disorder.**

**Robert G. Marshall**

**Health insurance; mandated coverage for autism spectrum disorder.** Requires health insurers, health care subscription plans, and health maintenance organizations to provide coverage for the diagnosis and treatment of autism spectrum disorder in individuals under age 21.

**Defeated 2/2 by House: Committee on Commerce & Labor: Sub #1 (Position- Oppose)**

#### **HB 57 Business, professional and occupational license (BPOL) tax; limits on rates and imposition.**

**Mark L. Cole**

**Business, professional and occupational license (BPOL) tax; limits on rates and imposition.** Prohibits any locality from (i) imposing the BPOL tax if the locality did not impose it as of January 1, 2010, and (ii) increasing the BPOL tax rates after January 1, 2010.

**Continued to 2011 on 2/23 by Senate: Committee on Finance Position – Monitor**

#### **HB 60 Food safety preparation inspections; exempts private homes that process certain foods.**

**David J. Toscano**

**Private homes; food safety preparation inspections.** Exempts private homes from food safety inspections where the resident processes and prepares pickles, relishes, and salsas for sale to individuals at the home or at farmers markets and labeled "NOT FOR RESALE – PROCESSED AND PREPARED"



WITHOUT STATE INSPECTION.” Private homes are already exempt from inspection where candies, jams, jellies, and baked goods are prepared and distributed accordingly.

**Defeated 1/26 by House: Committee on Agriculture, Chesapeake & Natural Resources: Sub #1**

**HB 102 Petit larceny; allows court to defer and dismiss first-offense charge.**

**G. Manoli Loupassi**

**Deferred proceedings for petit larceny.** Allows a court to defer and dismiss a first-offense petit larceny charge, provided the accused meets terms and conditions of probation, including payment of a loss-prevention fee of \$100 to \$500 to the owner of the property, in addition to any restitution ordered.

**Defeated by House Courts of Justice 1/18**

**HB 106 Concealed handguns; person with valid permit allowed to carry in place of worship with permission.**

**Mark L. Cole**

**Carrying concealed handguns.** Allows a person with a valid concealed handgun permit to carry a concealed handgun in a place of worship with permission of the leader of the religious meeting. The bill also eliminates the restriction against carrying a concealed handgun in a restaurant that serves alcohol.

**Defeated 2/16; House: Committee on Militia, Police and Public Safety Position - Oppose**

**HB 110 BPOL tax; localities to decide to impose on business’s gross receipts or its Sate taxable income.**

**Mark L. Cole**

**Business, professional and occupational license tax; gross receipts or Virginia taxable income.** Allows localities to decide whether to impose the BPOL tax on a business’s gross receipts or its Virginia taxable income.

**Continued to 2011 by House: Committee on Finance: Sub #2; finished for the year**

**HB 119 Income tax, corporate; eliminates State tax for taxable years on and after January 1, 2010.**

**Harry R. Purkey**

**Corporate income tax.** Eliminates Virginia’s corporate income tax for taxable years beginning on and after January 1, 2010.

**Defeated 2/16; House: Committee on Appropriations Position – Monitor**

**HB 124 Alcoholic beverages; penalty for possession of open container in a motor vehicle.**

**Harry R. Purkey**

**Possession of open container of alcohol in a motor vehicle; penalty.** Provides that no person shall possess an alcoholic beverage in the passenger area of a motor vehicle upon a public highway of the Commonwealth in other than the manufacturer’s unopened, original container. The bill punishes violators with a civil penalty of \$25.

**Defeated 1/28 by House: Committee on Militia, Police and Public Safety: Sub #2**



**HB 144 DUI; law-enforcement officer may inquire about location of consumption of last drink.**

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

**Law-enforcement officer to inquire about last drink.** Provides that any law-enforcement officer, in the course of questioning a person whom he suspects is guilty of driving while intoxicated, may ask the person to identify the physical location where he consumed his last alcoholic beverage, and if the person gives an answer, the officer shall record the information and provide it to the Alcoholic Beverage Control Board.

**Passed House and Senate with Amendments Position – Oppose**

**HB 155 Stormwater management regulations.**

**Rosalyn R. Dance**

**Stormwater management regulations.** Delays for two years the Department of Conservation and Recreation's regulations governing the stormwater management program that were to be implemented on July 1, 2010.

**Incorporated into HB1220; Passed House and Senate**

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

**Brenda L. Pogge**

**Firearms in locked vehicles; immunity from liability.** Provides 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 provides civil immunity for such persons, property owners, tenants, employers, or business owners. The provisions of the bill would not apply to possession of firearms on school property, nor would the provisions apply to vehicles owned or leased by an employer or business and used by an employee in the course of his employment.

**Defeated 3/4; Senate Committee on Courts of Justice Special Subcommittee Position - Oppose**

**HB 177 Seasonal tax preparation employees; disqualifies employee from receiving unemployment compensation.**

**Joseph D. Morrissey**

**Eligibility of seasonal tax preparation service employees for unemployment benefits.** Disqualifies a seasonal employee of a tax preparation firm from receiving unemployment compensation benefits outside of the tax preparation season, if the individual was notified in writing at the time of his hiring that his employment is only for the term of the tax preparation season.

**Defeated by House Commerce & Labor Subcommittee**

**HB 178 Seasonal or temporary workers; disqualifies employee from unemployment compensation benefits.**

**Joseph D. Morrissey**

**Eligibility of seasonal or temporary workers for unemployment benefits.** Disqualifies an unemployed individual for unemployment compensation benefits if he was provided with written notice, and signed an acknowledgment of receipt of such notice, by his employer stating that his employment is temporary or seasonal and will be terminated by a date certain or upon the completion of seasonal work specified in the written notice.



**Defeated by House Commerce & Labor Subcommittee**

**HB 181 Gift cards; prohibits issuance of those that automatically expire as a result of passage of time.**

**Joseph D. Morrissey**

**Gift cards.** Prohibits the issuance of a gift card that automatically, as a result of the passage of a period of time following its purchase or activation (i) expires, (ii) diminishes in value by the assessment of a maintenance fee or inactivity fee, or (iii) otherwise becomes unredeemable.

**Defeated 2/4 by House Commerce & Labor**

**HB 223 Estate tax; dedication of revenues collected.**

**Vivian E. Watts**

**Estate tax reinstated.** Reinstates the estate tax for persons dying on or after July 1, 2010. No estate tax will be imposed on a gross estate if the majority of the assets of the estate is an interest in a closely held business or a working farm. The revenues from the estate tax would first be used for funding staffing standards in nursing homes required to be established under the bill, which staffing standards would require a minimum period of time of direct care services to each resident per 24-hour period.

**Defeated 2/8 by House Finance Sub#1 Position - Oppose**

**HB 237 Income tax, state; job creation tax credit.**

**William R. Janis**

**Income tax; job creation tax credit.** Provides an income tax credit to sole proprietors, partners in a partnership and members of a limited liability company when they create and fill at least 10 new positions in the Commonwealth beginning on and after January 1, 2010. The amount of the credit is 10 percent of the Virginia gross income of the entity creating the jobs and may only be taken when the new jobs have been filled for at least 24 consecutive months.

**Defeated 2/3 House: Committee on Finance: Sub #3 Position- Monitor**

**HB 249 School calendar; opening of 2010-2011 school year in Planning Districts 5 and 12.**

**Donald W. Merricks**

**Opening of the 2010-2011 school year in Planning Districts 5 and 12.** Authorizes the school boards in Planning Districts 5 and 12, which includes Alleghany County, Botetourt County, Craig County, Roanoke County, City of Covington, City of Roanoke, City of Salem, Pittsylvania County, Martinsville City, Henry County, Franklin County, Patrick County, and Danville City, to set the opening of the 2010-2011 school year so that the first day students are required to attend school shall be one week prior to Labor Day.

**Defeated 1/21 House: Committee on Education: Sub#3 Position - Oppose**

**HB 271 Individual income, corporate income, and sales and use taxes; restructuring various taxes.**

**David L. Englin**

**Individual income tax, corporate income tax, and sales and use tax.** Removes the remaining portion of the state sales and use tax (one and one-half percent) from food for human consumption (effective July 1, 2011), restructures the individual income tax rate brackets, and exempts corporations having less



than \$100,000 of Virginia taxable income from the Virginia corporate income tax for taxable years beginning on or after January 1, 2011.

**Defeated 2/3 House: Committee on Finance: Sub#2**

**HB 275 Estate Tax; tax rate is one-half of amount of federal credit as it existed on January 1, 1978.**

**David L. Englin**

**Estate Tax.** Provides that if there is no federal estate tax credit for state estate taxes paid, then the Virginia estate tax rate is one-half of the amount of the federal credit as it existed on January 1, 1978.

**Defeated 2/3 House: Committee on Finance: Sub #2 Position – Oppose**

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

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

**Health insurance; mandated coverage for autism spectrum disorder.** Requires health insurers, health care subscription plans, and health maintenance organizations to provide coverage for the diagnosis and treatment of autism spectrum disorder in individuals from the date of diagnosis until they reach 10 years of age. This requirement does not apply to individual or small group policies, contracts, or plans, and will not apply to the state employees' health insurance plan until July 1, 2015.

**Defeated 2/2 House: Commerce and Labor: Sub: #1 Position - Oppose**

**HB 309 Summary judgment; documents that can serve as basis for motion.**

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

**Summary judgment; documents that can serve as basis for motion.** Allows motions for summary judgment to be based, in whole or in part, upon pleadings, depositions, answers to interrogatories, answers to requests for admissions, or affidavits filed in the suit or action.

**Continued to 2011; finished for year Position- support**

**HB 310 Offers of Judgment; costs**

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

**Offers of judgment; costs.** Provides that a party defending a claim may serve upon an adverse party not less than 10 days before trial an offer to allow judgment to be taken against him on specified terms, including the costs then accrued. An offer of judgment may also be made by a party whose liability to another has been determined, but where the extent of his liability is to be determined in a subsequent proceeding. If the offer is accepted, the court shall enter the judgment. If the offer is not accepted, and the adverse party does not obtain a judgment more favorable than the offer, the adverse party shall pay all costs incurred from the time of the offer.

**Continued to 2011; finished for year Position- support**

**HB 342 Alcoholic beverage control; privatization of ABC stores.**

**Robert G. Marshall**

**Alcoholic beverage control (ABC); privatization of ABC stores.** Provides for the issuance of a "package store" license to authorize the retail sale of alcoholic beverages for off-premises consumption. The bill also requires the ABC Board to sell at auction all real estate used as ABC stores, and to terminate leased



property upon which the ABC Board has operated a government store. The bill requires the ABC Board to complete an implementation study by December 31, 2010, on how it will privatize government stores. The bill has a delayed effective date of January 1, 2011, to achieve full retail privatization of government stores. The bill provides that any monetary savings realized by the ABC Board from the implementation of the bill shall be applied to the Transportation Trust Fund. The bill contains numerous technical amendments.

**Defeated: House Committee on General Laws Position - Monitor**

**HB 343 Community development authorities; permitted to request locality levy and collect special tax.**

**Onzlee Ware**

**Community development authorities.** Permits community development authorities to request that the locality levy and collect a special tax on transient occupancy, food and beverages, and sales. The special rate of the transient occupancy tax and tax on food and beverages shall not be more than two percent above the tax authorized by charter or other laws of the Commonwealth. The special rate of the sales tax shall not be more than one percent above the tax authorized by charter or other laws of the Commonwealth. The proceeds of the special tax shall be kept in a separate account and shall only be used for the purposes of the community development authority. All localities are authorized, by enactment of this legislation, to collect said taxes. This legislation also contains technical amendments.

**Defeated 2/3 by House: Counties, Cities & Towns: Sub #2 Position- Oppose**

**HB 354 Alcoholic beverage control; creates hotel manager's reception license.**

**David L. Englin**

**Alcoholic beverage control; hotel manager's reception license.** Creates a new hotel manager's reception license and sets out the privileges of the license as well as the license taxes.

**Struck from docket and thus not heard; House: General Laws: Sub: #3 ABC/Gaming Position - Monitor**

**HB 364 Local business license tax; payment of all taxes prior to license renewal or issuance.**

**Onzlee Ware**

**Local business license tax; payment of all taxes prior to license renewal or issuance.** Allows the local governing bodies to require applicants of business licenses for new and existing businesses to prove payment of all local taxes before the local business license will be issued or renewed.

**Defeated 2/3 by House: Committee on Finance: Sub#2 Position - Oppose**

**HB 370 Transient Occupancy Tax; Alleghany County.**

**James M. Shuler**

**Transient Occupancy Tax; Alleghany County.** Adds Alleghany County to those localities authorized to impose a transient occupancy tax not to exceed five percent, with any excess over two percent to be spent solely on tourism. Under current law, any county may impose a transient occupancy tax not to exceed two percent.

**Passed the House and Senate Position - Monitor**



**HB 385 Suspension of state mandates; Governor to suspend any mandate, not to exceed two years.**

**Rosalyn R. Dance**

**Suspension of state mandates.** Requires the Governor, upon application by a locality, to suspend any mandate, or portion thereof, for a period not to exceed two years, prescribed by any unit of the executive branch of state government on a locality upon a finding that it faces fiscal stress and the suspension of the mandate or portion thereof would help alleviate the fiscal hardship. Under existing law, the Governor may suspend such mandates for up to one year, but is not required to do so.

**Passed House and Senate Position- Monitor**

**HB 495 Churches; exempts serving meals prepared in homes of members from licensure requirements.**

**L. Scott Lingamfelter**

**Serving of meals by churches.** Exempts churches serving meals consisting of food prepared in the homes of members or in the kitchen of the church from licensure requirements applicable to restaurants.

**Passed House and Senate Position- Monitor**

**HB 505 Concealed handguns; restaurants.**

**C. Todd Gilbert**

**Concealed handguns; restaurants.** Prohibits a person who carries a concealed handgun onto the premises of a restaurant or club from consuming an alcoholic beverage while on the premises.

**Senate: Committee on Courts of Justice Position – Oppose**

**HB 521 Plastic bags; use by retailers.**

**Joseph D. Morrissey**

**Plastic bags; use by retailers.** Bans the use of plastic carryout bags by retailers at the point of sale unless such bags are (i) durable plastic bags with handles; (ii) at least 2.25 mils thick; and (iii) specifically designed and manufactured for multiple reuse.

**Defeated on 2/3 by House: Committee on Agriculture, Chesapeake & Natural Resources Position - Oppose**

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

**Samuel A. Nixon, Jr.**

**Unemployment benefits; minimum earnings requirement.** 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.

**Passed Senate Position- Support**



**HB 548 Group health insurance policies; wellness programs.**

**Daniel W. Marshall, III**

**Group health insurance policies; wellness programs.** Allows group health insurance policies to provide a discount of up to five percent to employers who institute employee wellness programs. The bill also allows an employer instituting and maintaining an employee wellness program to require any employee wishing to enroll to undergo a health assessment as a condition of enrollment.

**Passed House and Senate Position - Monitor**

**HB 557 School calendar; requirement that school begin after Labor Day may be waived by Board of Education.**

**Robert Tata**

**Opening of the school year.** Provides that the requirement that the school calendar begin after Labor Day may be waived by the Board of Education, provided the school board certifies that it meets one of the good cause requirements in current law.

**Passed House and Senate Position- Monitor**

**HB 563 Decibel level of sound; authorizes a law-enforcement officer to use certain equipment to determine.**

**Robert Tata**

**Equipment used to determine the decibel level of sound.** Authorizes a law-enforcement officer to use certain equipment to determine the decibel level of sound, including noise. The results of such determinations shall be accepted as prima facie evidence of the decibel level of the sound in any court or legal proceeding where the decibel level of the sound is at issue. The bill also provides that in any court or legal proceeding in which any question arises about the calibration or accuracy of such equipment used to determine the decibel level of sound, a certificate, or a true copy thereof, showing the calibration or testing for accuracy of the equipment, and when and by whom the calibration or test was made, shall be admissible as evidence of the facts therein stated.

**Senate Floor – Second Reading Position- Monitor**

**HB 565 Public schools; opening of the school year.**

**Robert Tata**

**Public schools; opening of the school year.** Allows 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.

**Failed 2/10 House: Committee on Appropriations: Sub Position - Oppose**

**HB 573 Public nuisances; locality to include activity or conduct that causes annoyance, etc.**

**Mark Cole**

**Public nuisances.** Provides that a locality may define public nuisance to include activity or conduct that causes annoyance, inconvenience, or interference with the comfort, health, or safety of the public.

**Continued to 2011; finished for year**



**HB 582 Agri-tourism Incentives Act; created.**

**R. Steven Landes**

Agri-tourism Incentives Act; penalty. Creates the Agri-tourism Incentives Act to allow qualified farm businesses to have restaurants and provide overnight accommodations on rural or agriculturally zoned land under certain conditions. The bill would also permit a locality to provide certain tax incentives and regulatory flexibility to each qualified farm business located in the locality.

The Department of Agriculture and Consumer Services is tasked with administering this new program.

**Passed House and Senate Position- Monitor**

**HB 584 Highway rest areas and welcome centers; VDOT to reopen.**

**R. Steven Landes**

**Highway rest areas and welcome centers.** Requires VDOT to reopen closed highway rest areas and residency offices and prohibits closure of highway welcome centers.

**House: Left in Committee on Transportation Position - Support**

**HB 588 Alcoholic beverage control; wine liter tax.**

**R. Steven Landes**

**Alcoholic beverage control; wine liter tax.** Requires the portion of the wine liter tax collected from the sale of wine produced by farm wineries to be deposited in the Virginia Wine Promotion Fund for use by the Wine Board.

**Passed House and Senate Position - Support**

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

**Ward L. Armstrong**

**Unemployment benefits; part-time employment and training programs.** Provides 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.

**Defeated on 2/4 by House: Committee on Commerce and Labor Position-Oppose**

**HB 652 Eminent domain; just compensation; restricted access.**

**Ward L. Armstrong**

**Eminent domain; just compensation; restricted access.** Provides that any restriction, change, or loss of access to or from property taken under the power of eminent domain shall be considered as an element in assessing the damages to the property for the purposes of determining just compensation.

**Defeated 3/3; Senate Finance Position - Monitor**



**HB 713 Business, professional and occupational license (BPOL) tax; verification of state licensure.**

**Christopher K. Peace**

**Business, professional and occupational license (BPOL) tax; verification of state licensure.** Requires the commissioner of the revenue in each locality that imposes the BPOL tax to verify through the Department of Professional and Occupational Regulation that every taxpayer seeking a local business license has satisfied the requirements and obtained the state license, when applicable. The commissioner shall not issue a local business license if the applicant has not have the required state license.

**Passed House and Senate Position – Monitor**

**HB 720 Health Insurance Choice; created.**

**Christopher K. Peace**

**Health benefits plans offered by foreign health insurers.** Authorizes health insurers licensed to sell health benefits plans in any other state to sell health benefits plans to residents of the Commonwealth if the foreign health insurer offers the same plans in its domiciliary state, is in compliance with the laws of that state, obtains a certificate of authority to do business in the Commonwealth, and participates in the Virginia Life, Accident and Sickness Insurance Guaranty Association. Foreign health insurers offering such plans in the Commonwealth will be subject to existing provisions regarding unfair trade practices, capital and surplus requirements, and taxes and assessments imposed on domestic health insurers selling individual and group health insurance policies.

**Continued to 2011; finished for year**

**HB 731 School calendar.**

**David B. Albo**

**School calendar.** Provides that each local school board shall set the school calendar so that the first day students are required to attend school shall be no earlier than the Monday after the fourth weekend in August.

**Tabled 1/21 House: Committee on Education: Sub#3 Position - Oppose**

**HB 771 School calendar; opening of school year in City of Roanoke.**

**William H. Cleaveland**

**Opening of the school year in the City of Roanoke.** Authorizes the City of Roanoke School Board to set the opening of the school year so that the first day students are required to attend school shall be no earlier than two weeks prior to Labor Day.

**Tabled 1/21 House: Committee on Education: Sub#3 Position - Oppose**

**HB 791 Taxes on room rentals.**

**Robert H. Brink**

**Taxes on room rentals.** Provides that retail sales and hotel taxes on transient room rentals are computed based upon the total charges or the total price paid for the use or possession of the room. For those cases in which a hotel or similar establishment contracts with an agent or other party to collect the retail sales and hotel taxes, the bill would require the agent or other party to separately state the taxes on the bill or invoice and to collect the taxes based upon the total charges or the total price paid for the use or possession of the room.



**Defeated 1/27 House: Committee on Finance: Sub#1 Position - Monitor**

**[HB 799](#) School calendar.**

**[Thomas A. Greason](#)**

**School calendar.** Makes local school boards responsible for setting the school calendar and determining the opening of the school year and eliminates the post-Labor Day opening requirement and "good cause" scenarios for which the Board of Education may grant waivers of this requirement.

**Tabled 1/21 House: Committee on Education: Sub#3 Position - Oppose**

**[HB 828](#) Grand larceny; threshold amount.**

**[Scott A. Surovell](#)**

**Grand larceny; threshold amount.** Increases from \$200 to \$750 the threshold amount of money or the value of the goods or chattel that the defendant must take before the crime rises from petit larceny to grand larceny. The same threshold is increased for certain property crimes.

**Defeated on 1/25 by House: Committee on Courts of Justice: Sub: Criminal Position - Oppose**

**[HB 830](#) Food and beverage tax; Fairfax County.**

**[Scott A. Surovell](#)**

**Food and beverage tax; Fairfax County.** Adds Fairfax County to those counties that may impose a food and beverage tax without a referendum, provided the governing body votes unanimously to impose the tax.

**Defeated on 1/20 by House Finance: Sub #1 Position - Oppose**

**[HB 861](#) Motion picture film production; provides income tax credits to any company with qualifying expenses.**

**[Benjamin L. Cline](#)**

**Motion picture film production tax credits.** Provides income tax credits to any motion picture production company with qualifying expenses of at least \$250,000 with respect to a film production in the Commonwealth, for taxable years beginning on or after January 1, 2010. Total credits allowed for any biennium cannot exceed \$10 million.

**House and Senate Requested Committee of Conference; Position – Support**

**[HB 893](#) Taxes on room rentals.**

**[William K. Barlow](#)**

**Taxes on room rentals.** Provides that retail sales and hotel taxes on transient room rentals are computed based upon the total charges or the total price paid for the use or possession of the room. For those cases in which a hotel or similar establishment contracts with an agent or other party to collect the retail sales and hotel taxes, the bill would require the agent or other party to separately state the taxes on the bill or invoice and to collect the taxes based upon the total charges or the total price paid for the use or possession of the room.

**Defeated on 1/27 by House: Committee on Finance: Sub#1 Position - Monitor**



### **HB 923 DUI ignition interlock limitations.**

**Robert B. Bell**

**DUI ignition interlock limitations.** Provides that a person who is convicted of DUI is required to have an ignition interlock on the first offense as a condition of a restricted license. Currently, the requirement for an interlock is only imposed upon a second offense or when the offender's blood alcohol content is above 0.15 percent.

**Senate: Committee on Courts of Justice Position - Monitor**

### **HB 972 Transient occupancy tax; Fairfax County limitations.**

**Thomas Davis Rust**

**Transient occupancy tax; Fairfax County limitations.** Clarifies that the additional transient occupancy tax in Fairfax County does not apply within the limits of any town located in Fairfax County.

**Passed House and Senate Position - Monitor**

### **HB 987 Stormwater regulation; amends current law.**

**S. Chris Jones**

**Regulation of stormwater.** Amends current law by removing the requirement that waivers given to federal, state, or local government agencies that develop, redevelop or retrofit outfalls, discharges or property so that there is a permanent reduction in postdevelopment stormwater flow and pollutant loading be full waivers. The amount of the waiver to such agencies shall be equal to the product of the fee that would be charged to the agency multiplied by the percentage of the stormwater runoff captured by the agency's storm drainage or stormwater control facilities.

**Continued to 2011; finished for year Position - Oppose**

### **HB 1010 Illegal gambling; includes in definition risking of money, etc.**

**Clifford L. Athey, Jr.**

**Illegal gambling; definitions; free spin devices.** Includes in the definition of "illegal gambling" the risking of money or other property for gain, contingent in whole or in part upon lot, chance, or the operation of a gambling device. The bill also expands the definition of "gambling device" to include any mechanism by the operation of which a right to money or other property may be credited, in return for consideration, as the result of the operation of an element of chance and any mechanism that, when operated for consideration, does not return the same value or property for the same consideration upon each operation. The bill attempts to make machines commonly known as "free spin machines" illegal in Virginia.

**Senate Floor Position- Monitor**

### **HB 1051 Tax dealer discounts.**

**James M. Scott**

**Tax dealer discounts.** Eliminates the dealer discounts for the retail sales and use tax, communications sales and use tax, state cigarette tax, E-911 tax, tobacco products tax, tire recycling fee, fuels tax, and motor vehicle fuel sales tax.

**Left in House: Committee on Appropriations: Sub: Technology Oversight and Government Operations Position - Oppose**



**HB 1081 Highway rest areas and welcome centers.**

**Anne B. Crockett-Stark**

**Highway rest areas and welcome centers.** Requires VDOT to reopen closed highway rest stops and prohibits closure of highway welcome centers.

**Left in House Committee on Transportation Position - Support**

**HB 1100 Stormwater management; certain landowners shall be immune from civil liability.**

**Mark D. Sickles**

**Stormwater management facilities; liability.** Provides that landowners who cede responsibility for the maintenance, repair, and replacement of a stormwater management facility to the Commonwealth or political subdivision thereof shall be immune from civil liability in relation to such stormwater management facility. The immunity does not extend to cases of intentional or willful misconduct or gross negligence.

**Passed Senate with Amendment Position - Monitor**

**HB 1111 School calendar; certain school divisions granted waiver from regular opening schedule.**

**Adam P. Ebbin**

**School calendar.** Adds to the "good cause" circumstances for which school divisions may be granted a waiver from the regular post-Labor Day school opening schedule a school division containing one or more elementary schools that are receiving Title I funding under the federal Elementary and Secondary Education Act. The waiver will apply only to the elementary schools receiving such funding.

**Defeated 1/21 House: Committee on Education: Sub#3 Position - Oppose**

**HB 1115 Paper and plastic bag fee.**

**Adam P. Ebbin**

**Paper and plastic bag fee.** Imposes a fee of \$0.05 on paper and plastic bags used by purchasers to carry tangible personal property from the place of purchase. Durable, reusable plastic bags and bags used for ice cream, meat, fish, poultry, leftover restaurant food, newspapers, dry cleaning and prescription drugs are exempt from the fee. Retailers are allowed to retain \$0.01 of the \$0.05 fee or \$0.02 if the retailer has a customer bag credit program. The revenues raised by the fee will be deposited in the Virginia Water Quality Improvement Fund. Failure to collect and remit the fee will result in fines of \$250, \$500, and \$1,000 for the first, second, third and thereafter offenses.

**Defeated on 2/9 by House: Committee on Finance: Sub#3 Position - Oppose**

**HB 1130 Health insurance purchasing pool; SOA to prepare a program design for businesses with 50 or fewer.**

**Mark L. Keam**

**Health insurance purchasing pool for small businesses.** Directs the Secretary of Administration, in cooperation with the Bureau of Insurance, to prepare a program design for a voluntary, public-private health insurance purchasing pool for businesses with 50 or fewer employees. The Secretary is directed to work with representatives of health insurers, insurance agents, health care providers, and small



businesses in designing the program. The program design is required to be completed by January 1, 2012.

**Defeated on 2/4 by House: Committee on Commerce and Labor: Sub#2 Position - Monitor**

**HB 1138 County food and beverage tax; all counties may impose.**

**Harvey B. Morgan**

**County food and beverage tax; all counties may impose.** Allows all counties to impose the local food and beverage tax without a referendum, provided the revenues from the tax are used to reduce the county's real property tax rate. The new provisions apply to those counties that impose the tax for the first time or increase the meals tax rate on or after July 1, 2010.

**Defeated in 1/27 by House: Committee on Finance: Sub#1 Position - Oppose**

**HB 1150 Sales and use tax; optional local tax for education.**

**James M. Scott**

**Sales and use tax; optional local tax for education.** Authorizes any county or city to levy an additional local sales and use tax at a rate of one-half percent with all revenue generated from such tax to be used for education purposes.

**Defeated on 2/3 by House: Committee on Finance: Sub#1 Position - Oppose**

**HB 1197 DUI ignition interlock limitations.**

**Sal R. Jaquinto**

**DUI ignition interlock limitations.** Provides that a person who is convicted of DUI is required to have an ignition interlock on the first offense as a condition of a restricted license. Currently, the requirement for an interlock is imposed only upon a second offense or when the offender's BAC is above 0.15 percent.

**Senate: Committee on Courts of Justice Position - Oppose**

**HB 1220 Stormwater management regulations; effective date.**

**Timothy D. Hugo**

**Stormwater management regulations; effective date.** Extends the effective date of the regulation that establishes local program criteria and delegation procedures and the water quality and water quantity criteria based on the completion of the Virginia Total Maximum Daily Loads (TMDL) Implementation Plan for the Chesapeake Bay Nutrient and Sediment TMDL approved by the United States Environmental Protection Agency and the regulations thereafter adopted to implement the Plan.

**Passed House and Senate Position - Support**

**HJ 91 Study; Alcoholic Beverage Control Board; disposition of real estate used for government stores.**

**Harry R. Purkey**

**Study; Alcoholic Beverage Control Board; disposition of real estate used for government stores.**

Directs the Alcoholic Beverage Control Board to, on or before December 31, 2010, complete an implementation study for the discontinuation of government stores and for the disposition of all real property owned or leased by the Board upon which government stores are operated. The resolution also directs the Board to submit an implementation plan for the disposition of the real property owned or leased by the Board and operated as government stores to the chairs of the House Committee on



General Laws and to the Senate Committee on Rehabilitation and Social Services on or before December 31, 2010.

**Defeated on 1/28 by House: Committee on Rules: Sub#3**

**HJ 126 Study; JLARC; privatizing Commonwealth's rest areas; report.**

**David A. Nutter**

**Study; JLARC; privatizing Commonwealth's rest areas; report.** Directs the Joint Legislative Audit and Review Commission to study the privatization of all or portions of the Commonwealth's rest areas.

**Passed House and Senate Position - Support**

## Senate Bills

**SB 37 License plates, special; issuance to those bearing legend: BUY LOCAL.**

**Yvonne B. Miller**

**Special license plates; BUY LOCAL.** Authorizes the issuance of revenue-sharing special license plates bearing the legend: BUY LOCAL. The annual surcharge for these plates would be \$25, instead of the standard \$10 for most other nonrevenue-sharing special license plates. For each set of plates issued after the first 1,000 sets, \$15 will go to the Retail Alliance Foundation to support its programs and activities in Virginia.

**Incorporated into SB18/Lucas; House Requested a Committee of Conference Position- Monitor**

**SB 77 School calendar; removes restrictions for post-Labor Day school opening.**

**W. Roscoe Reynolds**

**Opening of the school year; good cause.** Removes the restriction that a Board of Education waiver from the post-Labor Day school opening requirement based on a school division's dependence on another school division's instructional program shall only apply to the opening date for those schools where such instructional program is dependent on and provided in one or more elementary or middle or high schools of another school division that qualifies for a waiver.

**Defeated 2/25; House: Committee on Education #3 Position – Oppose**

**SB 132 Retail Sales and Use Tax; increases distribution to Transportation Trust Fund.**

**Mark D. Obenshain**

**Retail sales and use tax; distribution to Transportation Trust Fund.** Increases the distribution to the Transportation Trust Fund from the sales and use tax revenue generated by a one-half percent sales and use tax to the sales and use tax revenue generated by a one percent sales and use tax upon the Comptroller determining in any fiscal year that (i) the growth in general fund revenues for the most recently completed fiscal year was at least three percent, and (ii) the actual dollar increase in general fund revenues for the most recently completed fiscal year was at least equal to the sales and use tax revenue generated by a one-half percent sales and use tax.

**Left: Senate: Committee on Finance Position - Monitor**



### **SB 203 Public schools; opening of the school year.**

**Harry B. Blevins**

**Public schools; opening of the school year.** Allows 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.

**Defeated 2/8 Senate: Committee on Commerce and Labor Position - Oppose**

### **SB 218 Transient occupancy tax; Fairfax County limitations.**

**Janet D. Howell**

**Transient occupancy tax; Fairfax County limitations.** Clarifies that the additional transient occupancy tax in Fairfax County does not apply within the limits of any town located in Fairfax County.

**Passed House and Senate Position - Oppose**

### **SB 237 Alcoholic beverage control; wine liter tax.**

**John C. Watkins**

**Alcoholic beverage control; wine liter tax.** Requires the portion of the wine liter tax collected from the sale of wine produced by farm wineries to be deposited in the Virginia Wine Promotion Fund for use by the Wine Board.

**Passed House and Senate Position - Support**

### **SB 239 Unemployment benefits; eligibility criteria and impact of legislation.**

**John C. Watkins**

**Unemployment benefits; eligibility criteria and impact of legislation.** Provides 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.

**Defeated 3/2; House: Committee on Commerce & Labor #2 Position—Oppose**

### **SB 253 Opening of the school year.**

**W. Roscoe Reynolds**

**Opening of the school year.** Provides that the requirement that the school calendar begin after Labor Day may be waived by the Board of Education, provided the school board certifies that it meets one of the good cause requirements in current law.



House: Floor Third Reading Position - Oppose

**SB 257 Motion picture film production; provides income tax credits to any company with qualifying expenses.**

**L. Louise Lucas**

**Motion picture film production tax credits.** Provides income tax credits to any motion picture production company with qualifying expenses of at least \$250,000 with respect to a film production in the Commonwealth, for taxable years beginning on or after January 1, 2010. Total credits allowed for any biennium cannot exceed \$10 million.

**Senate and House Requested and Committee of Conference Position- Support**

**SB 261 Weights and measures fee.**

**Mary Margaret Whipple**

**Weights and measures fee.** Authorizes the Commissioner of Agriculture and Consumer Services to establish inspection and certification fee of \$17.50 on each weight and measure commercially used in Virginia.

**Defeated 3/1; House: Committee on Appropriations Position - Monitor**

**SB 280 County meals tax; rate of tax and approval required.**

**Frederick M. Quayle**

**County meals tax; rate of tax and approval required.** Removes the current cap of four percent for the county meals tax and allows counties to impose an uncapped rate. The bill would also allow counties to adopt or increase a meals tax by a majority vote of the elected members of the governing body.

**Defeated 3/1; House: Committee on Finance #1 Position - Oppose**

**SB 334 Concealed handguns; restaurants; penalty.**

**Emmett W. Hanger, Jr.**

**Concealed handguns; restaurants; penalty.** Allows a person with a concealed handgun permit to carry a concealed handgun onto the premises of a restaurant or club and prohibits such person from consuming alcoholic beverages while on the premises. A person who consumes alcohol in violation of the provisions of the bill is guilty of a Class 2 misdemeanor and a person who becomes intoxicated in violation of the provisions of the bill is guilty of a Class 1 misdemeanor.

**Passed House and Senate Position - Oppose**

**SB 340 Virginia Retail Sales and Use Tax Act.**

**Emmett W. Hanger, Jr.**

**Virginia Retail Sales and Use Tax Act.** Conforms the Commonwealth's sales and use tax laws to the provisions of the Streamlined Sales and Use Tax Agreement.

**Continued to 2011; finished for year**



### **SB 342 Transient occupancy tax.**

**Emmett W. Hanger, Jr.**

**Transient occupancy tax.** Provides that any county, by duly adopted ordinance, may levy a transient occupancy tax on single-family residences rented out for continuous occupancy for fewer than 30 consecutive days.

**Defeated 3/3; House Floor Position - Support**

### **SB 347 Agri-tourism Incentives Act; created.**

**Emmett W. Hanger, Jr.**

**Agri-tourism Incentives Act; penalty.** Creates the Agri-tourism Incentives Act to allow qualified farm businesses to have restaurants and provide overnight accommodations on rural or agriculturally zoned land under certain conditions. The bill would also permit a locality to provide certain tax incentives and regulatory flexibility to each qualified farm business located in the locality.

The Department of Agriculture and Consumer Services is tasked with administering this new program.

**Passed House and Senate Position- Monitor**

### **SB 363 Civil remedies; depositions as basis for motion of summary judgment or to strike evidence.**

**Harry B. Blevins**

**Civil remedies; depositions as basis for motion of summary judgment or to strike evidence.** Allows depositions to be the basis for a motion for summary judgment or to strike evidence.

**Stricken from Docket; thus not heard. Senate: Committee on Courts of Justice: Sub: Civil**

### **SB 366 Offers of judgment; costs.**

**Harry B. Blevins**

**Offers of judgment; costs.** Provides that a party defending a claim may serve upon an adverse party not less than 10 days before trial an offer to allow judgment to be taken against him on specified terms, including the costs then accrued. An offer of judgment may also be made by a party whose liability to another has been determined, but where the extent of his liability is to be determined in a subsequent proceeding. If the offer is accepted, the court shall enter the judgment. If the offer is not accepted, and the adverse party does not obtain a judgment more favorable than the offer, the adverse party shall pay all costs incurred from the time of the offer.

**Stricken from Docket; thus not heard. Senate: Committee on Courts of Justice: Sub: Civil**

### **SB 395 Stormwater management regulations; effective date.**

**Frank W. Wagner**

**Stormwater management regulations; effective date.** Extends the effective date of the regulation that establishes local program criteria and delegation procedures and the water quality and water quantity criteria based on the completion of the Virginia Total Maximum Daily Loads (TMDL) Implementation Plan for the Chesapeake Bay Nutrient and Sediment TMDL approved by the United States Environmental Protection Agency and the regulations thereafter adopted to implement the Plan.

**Passed House and Senate Position - Support**



### **SB 412 School calendar.**

**Jill Holtzman Vogel**

**School calendar.** Makes local school boards responsible for setting the school calendar and determining the opening of the school year and eliminates the post-Labor Day opening requirement and "good cause" scenarios for which the Board of Education might grant waivers of this requirement.

**Defeated on 2/8 by Senate: Committee on Finance Position - Oppose**

### **SB 443 Alcoholic beverage control; privatization of ABC stores.**

**Mark D. Obenshain**

**Alcoholic beverage control; privatization of ABC stores.** Provides for the auction of "package store" licenses to authorize the retail sale of alcoholic beverages for off-premises consumption. The bill also requires the ABC Board to sell or transfer all interest in real property utilized in the wholesale and retail sale of alcoholic beverages. The bill requires the ABC Board to set a fixed number of licenses for all localities, which shall be at a minimum one license for each locality of the Commonwealth and shall not exceed one license per 10,000 residents of the locality. The initial issuance of licenses by the Board would be through regional auctions beginning July 1, 2011, which may also be conducted through the Department's publicly accessible website. The annual state license tax on package store licenses would be the initial purchase price at auction plus an annual inflation adjustment based on the Consumer Price Index. The tax levied on spirits sold in package stores would be 25 percent of the price charged. This bill contains numerous technical amendments.

**Defeated: Senate: Committee on Finance Position - Monitor**

### **SB 452 Taxes on room rentals.**

**Mary Margaret Whipple**

**Taxes on room rentals.** Provides that retail sales and hotel taxes on transient room rentals are computed based upon the total charges or the total price paid for the use or possession of the room. For those cases in which a hotel or similar establishment contracts with an agent or other party to collect the retail sales and hotel taxes, the bill would require the agent or other party to separately state the taxes on the bill or invoice and to collect the taxes based upon the total charges or the total price paid for the use or possession of the room.

**Defeated 3/3; House: Committee on Finance Position - Monitor**

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

**Janet D. Howell**

**Health insurance; mandated coverage for autism spectrum disorder.** Requires health insurers, health care subscription plans, and health maintenance organizations to provide coverage for the diagnosis and treatment of autism spectrum disorder in individuals from the date of diagnosis until they reach 10 years of age. This requirement does not apply to individual or small group policies, contracts, or plans, and will not apply to the state employees' health insurance plan until July 1, 2015.

**Defeated 2/23; House: Committee on Commerce and Labor: Sub#1 Position - Oppose**



**SB 498 Opening of the 2010-2011 school year in Pittsylvania County.**

**Robert Hurt**

**Opening of the 2010-2011 school year in Pittsylvania County.** Authorizes the Pittsylvania County School Board to set the opening of the 2010-2011 school year so that the first day students are required to attend school shall be one week prior to Labor Day.

**Defeated: 2/15 Senate: Committee on Commerce and Labor Position - Oppose**

**SB 525 Cooperative Marketing Fund of the Virginia Tourism Authority; dedication of soft drink excise tax.**

**Thomas K. Norment, Jr.**

**Cooperative Marketing Fund of the Virginia Tourism Authority; dedication of soft drink excise tax and litter tax revenues.** Dedicates the revenues from the Commonwealth's soft drink excise tax and litter tax to the Cooperative Marketing Fund administered by the Virginia Tourism Authority. The first priority for moneys in the Cooperative Marketing Fund shall be as a match for private funds to be used for the promotion, marketing, and advertising of the Commonwealth's tourist attractions and locations. Current law dedicates the revenues from the two taxes to the Litter Control and Recycling Fund.

**Left in Senate: Committee on Finance Position - Monitor**

**SB 542 Tax dealer discounts.**

**Charles J. Colgan**

**Tax dealer discounts.** Eliminates the dealer discounts for the retail sales and use tax, communications sales and use tax, state cigarette tax, E-911 tax, tobacco products tax, tire recycling fee, fuels tax, and motor vehicle fuel sales tax.

**Left in Senate: Committee on Finance Position - Oppose**

**SB 548 Customer access to restrooms; civil penalty.**

**George L. Barker**

**Customer access to restrooms; civil penalty.** Requires a retail establishment that has a toilet facility for its employees to allow a customer to use that facility during normal business hours if the following conditions are met: (1) the customer requesting the use of the employee toilet facility suffers from an eligible medical condition or utilizes an ostomy device; (2) three or more employees of the retail establishment are working at the time the request is made; (3) the retail establishment does not normally make a restroom available to the public; (4) the employee toilet facility is not located in an area where providing access would create an obvious health or safety risk to the customer; and (5) a public restroom is not immediately accessible to the customer. The bill also provides that a retail establishment is not required to make any physical changes to an employee toilet facility. The operator of a retail establishment that violates this requirement is subject to a civil penalty of not more than \$100. A violation of this act does not subject the retail establishment to further liability to the customer.

**2/17 Left in Senate: Committee on Commerce and Labor Position - Oppose**



**SB 609 Carbon monoxide detectors; locality to enact ordinance requiring installation of in certain places.**

**John S. Edwards**

**Carbon monoxide detectors.** Authorizes any locality to enact an ordinance requiring the installation of carbon monoxide alarms in (i) any building containing one or more dwelling units; (ii) any hotel or motel regularly used, offered for, or intended to be used to provide overnight sleeping accommodations; and (iii) any rooming house regularly used, offered for, or intended to be used to provide overnight sleeping accommodations, provided such buildings contain dwelling units that have an attached garage or carport or are serviced by fuel-fired appliances.

**Continued to 2011; finished for year**

**SB 628 Alcoholic beverage control; mixed beverage licensees; flavored distilled spirits.**

**Frank W. Wagner**

**Alcoholic beverage control; mixed beverage licensees; flavored distilled spirits.** Requires the Alcoholic Beverage Control Board to prescribe the terms and conditions under which mixed beverage licensees may infuse, store, and sell flavored distilled spirits.

**Passed House and Senate; Position – Monitor**

**SB 650 Stormwater regulation; amends current law.**

**Frederick M. Quayle**

**Regulation of stormwater.** Amends current law by removing the requirement that waivers given to federal, state, or local government agencies that develop, redevelop or retrofit outfalls, discharges or property so that there is a permanent reduction in post development stormwater flow and pollutant loading be full waivers. The amount of the waiver to such agencies shall be equal to the product of the fee that would be charged to the agency multiplied by the percentage of the stormwater runoff captured by the agency's storm drainage or stormwater control facilities.

**Continued to 2011; finished for year. Position- Oppose**

**SJ 99 Study; JLARC; privatizing Commonwealth's rest areas; report.**

**Mark R. Herring**

**Study; JLARC; privatizing Commonwealth's rest areas; report.** Directs the Joint Legislative Audit and Review Commission to study the privatization of all or portions of the Commonwealth's rest areas.

**House Floor Position - Monitor**

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