

Bills That Have Failed

HB 102 - [Loupassi](#) - Petit larceny; allows court to defer and dismiss first-offense charge. [\(H\) Committee for Courts of Justice](#)(H) Left in Courts of Justice02/16/10 [notes](#): 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.

HB 119 - [Purkey](#) - Income tax, corporate; eliminates State tax for taxable years on and after January 1, 2010. [\(H\) Committee on Appropriations](#)(H) Referred to Committee on Appropriations02/10/10 [notes](#): Eliminates Virginia's corporate income tax for taxable years beginning on and after January 1, 2010.

HB 177 - [Morrissey](#) - Seasonal tax preparation employees; disqualifies employee from receiving unemployment compensation. [\(H\) Committee on Commerce and Labor](#)(H) Left in Commerce and Labor02/16/10 [notes](#): 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.

HB 178 - [Morrissey](#) - Seasonal or temporary workers; disqualifies employee from unemployment compensation benefits. [\(H\) Committee on Commerce and Labor](#)(H) Left in Commerce and Labor02/16/10 [notes](#): 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.

HB 181 - [Morrissey](#) - Gift cards; prohibits issuance of those that automatically expire as a result of passage of time. [\(H\) Committee on Commerce and Labor](#)(H) Tabled in Commerce and Labor02/04/10 [notes](#): 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.

HB 183 - [Morrissey](#) - Expungement of criminal record; allows a person to have his conviction expunged after 10 years. [\(H\) Committee for Courts of Justice](#)(H) Left in Courts of Justice02/16/10 [notes](#): Allows a person convicted of a criminal offense to have his conviction expunged after 10 years have passed following the conviction, upon a showing that his opportunities for employment, education, or professional licensure are prejudiced by the existence of the criminal record. Expungement would not be available for someone convicted of a violent felony, a DUI-related offense, an offense for which registration on the sex offender registry is required, or domestic violence.

HB 223 - [Watts](#) - Estate tax; dedication of revenues collected. [\(H\) Committee on Finance](#)(H) Left in Finance02/16/10 [notes](#): 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.

[HB 249](#) - [Merricks](#) - School calendar; opening of 2010-2011 school year in Planning Districts 5 and 12. [\(H\) Committee on Education](#)(H) Left in Education02/16/10 [notes](#): 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.

[HB 269](#) - [Englin](#) - Retail Sales and Use Tax; increases rate on motor fuels in Northern Virginia. [\(H\) Committee on Finance](#)(H) Left in Finance02/16/10 [notes](#): increase in rate. Increases the rate of the state sales tax on motor fuels in Northern Virginia from 2.1 percent to 4.2 percent.

[HB 343](#) - [Ware, O.](#) - Community development authorities; permitted to request locality levy and collect special tax. [\(H\) Committee on Counties, Cities and Towns](#)(H) Left in Counties, Cities and Towns02/16/10 [notes](#): 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, and must not exceed the limitations specified in Chapter 38 of Title 58.1. 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 and must not exceed the limitations specified in Chapter 6 of Title 58.1. 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.

[HB 354](#) - [Englin](#) - Alcoholic beverage control; creates hotel manager's reception license. [\(H\) Committee on General Laws](#)(H) Left in General Laws02/16/10 [notes](#): 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.

[HB 359](#) - [Ware, O.](#) - Community development authorities; permitted to request locality levy and collect special tax. [\(H\) Committee on Finance](#)(H) Stricken at request of Patron in Finance02/10/10 [notes](#): 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, and must not exceed the limitations specified in Chapter 38 of Title 58.1. 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 and must not exceed the limitations specified in Chapter 6 of Title 58.1. 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. This legislation also contains technical amendments.

[HB 731](#) - [Albo](#) - School calendar; local school boards to set first day of school. [\(H\) Committee on Education](#)(H) Incorporated by Education (HB565-Tata)01/27/10 [notes](#): 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.

[HB 771](#) - [Cleaveland](#) - School calendar; opening of school year in City of Roanoke. [\(H\) Committee on Education](#)(H) Left in Education02/16/10 [notes](#): 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.

[HB 790](#) - [Villanueva](#) - Defacement removal; localities to charge owners of occupied property actual cost. [\(H\) Committee on Counties, Cities and Towns](#)(H) Continued to 2011 in Counties, Cities and Towns02/08/10

[HB 794](#) - [Tata](#) - Home Access Businesses; establish standards, penalty. [\(H\) Committee on Commerce and Labor](#)(H) Stricken from docket by Commerce and Labor01/26/10 [notes](#): establish standards, penalty

[HB 799](#) - [Greason](#) - School calendar; local school boards responsible for determining opening of school year. [\(H\) Committee on Education](#)(H) Left in Education02/16/10 [notes](#): 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.

[HB 817](#) - [Abbott](#) - Garnishment; deposit of earnings. [\(H\) Committee for Courts of Justice](#)(H) Left in Courts of Justice02/16/10 [notes](#): deposit of earnings. Provides that a depository shall not withhold any earnings for garnishment that have been deposited into an individual's account after the date of receipt of the garnishment summons by the depository.

[HB 823](#) - [Surovell](#) - District court; expungement of police and court records. [\(H\) Committee for Courts of Justice](#)(H) Left in Courts of Justice02/16/10 [notes](#): Provides that if a person is charged with the commission of a misdemeanor criminal offense and is acquitted, or the charge is dismissed with prejudice, he may immediately, upon the acquittal or dismissal, orally request expungement of the police and court records relating to the charge. The person shall be assessed \$100 in costs. The court shall order the expungement, or deny it, on the same grounds as apply in a circuit court.

[HB 828](#) - [Surovell](#) - Larceny; increases threshold amount of goods that determines petit larceny to grand larceny. [\(H\) Committee for Courts of Justice](#)(H) Left in Courts of Justice02/16/10 [notes](#): 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.

[HB 830](#) - [Surovell](#) - Food and beverage tax; adds Fairfax County to those that may impose. [\(H\) Committee on Finance](#)(H) Left in Finance02/16/10 [notes](#): 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.

[HB 889](#) - [Barlow](#) - Cigarette tax, local; authorizes any county to impose. [\(H\) Committee on Finance](#)(H) Left in Finance02/16/10 [notes](#): counties. Authorizes any county to impose a local cigarette tax at a rate not to exceed \$0.05 per pack or the amount levied under state law, whichever is greater. It also repeals the Code section that allows only certain counties to impose a local cigarette tax.

[HB 891](#) - [Barlow](#) - Cigarette tax, local; allows Isle of Wight County to levy tax. [\(H\) Committee on Finance](#)(H) Left in Finance02/16/10 [notes](#): Isle of Wight County. Allows Isle of Wight County to levy a local cigarette tax just as Fairfax and Arlington Counties are authorized to levy the tax.

[HB 893](#) - [Barlow](#) - Retail Sales and Use Tax; taxes on room rentals. [\(H\) Committee on Finance](#)(H) Left in Finance02/16/10 [notes](#): 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.

[HB 932](#) - [Bell, Robert B.](#) - Identity theft; distribution of information acquired through theft is a Class 4 felony. [\(H\) Committee for Courts of Justice](#)(H) Left in Courts of Justice02/16/10 [notes](#): Provides that the distribution of information acquired through identity theft is a Class 4 felony. The bill also punishes the new crime of aggravated identity theft, when a person, through identity theft, with the intent to defraud, for his own use or the use of a third person, (i) obtains money, goods, or services through the use of identifying information of such other person; (ii) obtains, records, or accesses identifying information while impersonating a law-enforcement officer or an official of the government of the Commonwealth; or (iii) avoids summons, arrest, prosecution, or impedes a criminal investigation, as a Class 5 felony. The bill also punishes obtaining identification documents in such other person's name as a Class 1 misdemeanor, and retains Class 1 misdemeanor punishment for obtaining, recording, or accessing identifying information which is not available to the general public that would assist in accessing financial resources, obtaining identification documents, or obtaining benefits of such other person. The bill eliminates identity theft provisions that fix punishment based on the number of records accessed or obtained, or the amount of money involved.

[HB 959](#) - [Ingram](#) - Check cashers; unlawful for person required to be registered thereas to fail to make copies of item. [\(H\) Committee for Courts of Justice](#)(H) Left in Courts of Justice02/16/10 [notes](#): penalty. Makes it unlawful for a person required to be registered as a check casher to fail to (i) make copies of the item cashed and a valid identification document of the customer or thumbprint for every transaction or (ii) retain such copies for one year. A violation is punishable as a Class 3 misdemeanor.

[HB 1052](#) - [Armstrong](#) - Electric utilities; prevents temporary and interim increase of rates. [\(H\) Committee on Commerce and Labor](#)(H) Left in Commerce and Labor02/16/10 [notes](#): temporary and interim increases. Prevents an electric public utility from changing its rates on an interim or temporary basis, and states that the scheduled rates of such a utility shall not be changed unless and until approved by the State Corporation Commission.

[HB 1054](#) - [Scott, J.M.](#) - Health insurance; coverage funded by localities. [\(H\) Committee on Counties, Cities and Towns](#)(H) Stricken from docket by Counties, Cities and Towns02/12/10 [notes](#): Authorizes the governing body of any locality that self-funds a health insurance program for its officers and employees to extend coverage under such program to any other class of persons.

[HB 1111](#) - [Ebbin](#) - School calendar; certain school divisions granted waiver from regular opening schedule. [\(H\) Committee on Education](#)(H) Tabled in Education02/01/10 [notes](#): 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.

[HB 1115](#) - [Ebbin](#) - Virginia Waterways Clean Up and Consumer Choice Act; paper and plastic bag fee. [\(H\) Committee on Finance](#)(H) Left in Finance02/16/10 [notes](#): 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.

[HB 1130](#) - [Keam](#) - Health insurance purchasing pool; SOA to prepare a program design for businesses with 50 or fewer. [\(H\) Committee on Commerce and Labor](#)(H) Left in Commerce and Labor02/16/10 [notes](#): 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.

[HB 1138](#) - [Morgan](#) - Food and beverage tax; all counties may impose. [\(H\) Committee on Finance](#)(H) Left in Finance02/16/10 [notes](#): 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.

[HB 1150](#) - [Scott, J.M.](#) - Retail Sales and Use Tax; any county or city to levy additional tax for education purposes. [\(H\) Committee on Finance](#)(H) Left in Finance02/16/10 [notes](#): 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.

[HB 1153](#) - [Scott, J.M.](#) - Motor fuels tax; converts rates of taxation from cents per gallon to percentage rates. [\(H\) Committee on Finance](#)(H) Left in Finance02/16/10 [notes](#): Converts the rates of taxation on motor fuels from cents per gallon to percentage rates. The percentage rates shall be calculated by the Commissioner of the Department of Motor Vehicles in an amount that will most closely yield the amount of cents per gallon being charged on the applicable motor fuel prior to the effective date of the bill. Thereafter, the percentage rates would not change, but would be applied against the average price per gallon of the fuel, less federal and state taxes, as determined by the Commissioner of the Department of Motor Vehicles over rolling six-month periods, to determine the cents to be charged.

[HB 1155](#) - [Brink](#) - Income tax, state; imposes surtax on taxable income to provide new source of revenue for localities. [\(H\) Committee on Rules](#)(H) VOTE: --- ENGROSSMENT (0-Y 97-N 1-A)01/21/10 [notes](#): Imposes a state individual income tax surtax to provide a new source of revenue for localities to encourage them to essentially remove the tangible personal property tax on vehicles that currently qualify under the car tax relief program. The surtax on Virginia taxable income would be imposed at the rate of 0.5% for tax year 2010 and at the rate of 1% for subsequent tax years.

Revenues from the surtax would be dedicated to a new Virginia Personal Property Tax Replacement Fund ("Fund"). For tax year 2010, the car tax relief program would operate as under current law, except that annual \$950 million to localities would be paid from the Fund.

For tax years 2011 and thereafter, localities that impose a personal property tax rate on qualifying vehicles not exceeding \$0.000001 per \$100 of assessed value would receive all of the net revenues from the surtax. Allocations to each such locality would be based upon its pro rata share of the personal property tax relief paid in tax year 2009. In addition, localities that have tax rates not exceeding \$0.000001 for tax year 2011 would receive an additional payment for tax year 2010 that represents the remaining net revenues from the new surtax after the payment of the \$950 million state personal property tax relief payment.

[HB 1182](#) - [Phillips](#) - Health insurance; mandated coverage for telemedicine services. [\(H\) Committee on Commerce and Labor](#)(H) Left in Commerce and Labor02/16/10 [notes](#): mandated coverage for telemedicine services. Requires health insurers, health care subscription plans, and health maintenance organizations to provide coverage for the cost of telemedicine services when the services are appropriately provided through such means. "Telemedicine services" means the use of interactive audio, video, or other telecommunications technology by a health care provider to deliver health care services at a site other than the site where the patient is located, including the use of electronic media for consultation relating to the health care diagnosis or treatment of the patient.

[HB 1237](#) - [Armstrong](#) - Economic development incentive rates; electric utilities to offer service to certain customers. [\(H\) Committee on Commerce and Labor](#)(H) Left in Commerce and Labor02/16/10 [notes](#): Requires certain incumbent electric utilities to offer electric service at an economic development incentive rate to certain nonresidential customers. To be eligible for an economic development incentive rate, a customer shall have a new load of at least 1,000 KW and either increase employment by at least 75 full-time equivalent employees per 1,000 KW of new load or make a capital investment of \$400,000 per 1,000 KW of new load. An economic development incentive rate provides eligible customers the option of either (i) a monthly credit of \$6 per KW for three years or (ii) a monthly credit of \$6 per KW for the first year, reduced by \$0.75 per KW in each of the following years of an eight-year term.

[HB 1317](#) - [Marshall, R.G.](#) - Governor's Development Opportunity Fund; funds to financial institutions for small business loans. [\(H\) Committee on General Laws](#)(H) Left in General Laws02/16/10 [notes](#): Governor's Development Opportunity Fund; small business loans. Provides for the transfer of up to \$2 million from the Governor's Development Opportunity Fund to a qualified community development financial institution, for the purpose of making commercial loans and investments to start or expand small businesses, when the Fund balance is greater than \$12 million.

[HB 1325](#) - [Albo](#) - ABC; Board to conduct a study that assesses economic impact of marking up spirits, report. [\(H\) Committee on Appropriations](#)(H) Assigned App. sub: General Government02/12/10 [notes](#): Alcoholic beverage control; collection of taxes, etc.; markup on spirits. Requires the ABC Board, before implementing any increase in the markup of spirits, to conduct a study that assesses the economic impact of any such increase on its sales and profits and issue a written report detailing its findings. The bill requires the economic impact analysis to include (i) the impact of any increase on manufacturers of spirits sold by the ABC Board, on mixed beverage licensees, and on consumers; and (ii) comparisons of spirits pricing by the Board with wholesale and retail outlets in border states and on military installations located in the Commonwealth. The bill requires the ABC Board to provide interested parties, including manufacturers, mixed beverage licensees, and consumers, an opportunity to comment on the economic impact analysis before the ABC Board issues a final report. The bill requires the ABC Board to prepare and forward to the Governor and the General Assembly a copy of its final report.

HB 1351 - Hope - Indoor Clean Air Act; smoking in public buildings prohibited, penalty. [\(H\) Committee on General Laws](#)(H) Left in General Laws02/16/10 [notes](#): Virginia Indoor Clean Air Act; smoking in public buildings prohibited; penalty. Prohibits smoking in any building owned or leased by the Commonwealth or any agency thereof or any locality. The bill contains numerous technical amendments.

HB 1362 - Pollard - Motor fuels tax; DMV Commissioner to revoke licenses issued to persons violating tax provisions. [\(H\) Committee on Finance](#)(H) Stricken at request of Patron in Finance02/10/10 [notes](#): Motor fuels tax; revocation of license. Allows the DMV Commissioner to revoke licenses issued to persons in accordance with motor fuels tax law who are found guilty of violating or of noncompliance with any of the motor fuels tax provisions

HB 1368 - LeMunyon - Vehicle engine idling; allowed for unattended motor vehicles on residential streets, exceptions. [\(H\) Committee on Transportation](#)(H) Left in Transportation02/16/10 [notes](#): Vehicle engine idling. Allow engine idling of unattended motor vehicles on residential streets maintained by the Commonwealth if the idling is for the purpose or warming or cooling the interior of the vehicle

HJ 28 - Purkey - Small businesses; joint subcommittee to study state laws and regulations that impede. [\(H\) Committee on Rules](#)(H) Left in Rules02/16/10 [notes](#): This legislation establishes a joint subcommittee to study whether state laws and regulations impede the ability of small businesses to act collectively in procuring health insurance. The study shall propose recommendations for legislation to eliminate any barriers created by state laws and regulations found to be so impeding small businesses.

SB 70 - McEachin - Criminal conviction record; person convicted of certain offenses to petition for expungement. [\(S\) Committee for Courts of Justice](#)(S) Passed by indefinitely in Courts of Justice (13-Y 1-N)02/08/10 [notes](#): Allows a person convicted of certain criminal offenses to petition to have his conviction expunged after a five-year period has expired following the conviction, upon a showing that his opportunities for employment, education, or professional licensure are prejudiced by the existence of the criminal record. Expungement would not be available for someone convicted of a violent felony, a DUI-related offense, an offense for which registration on the sex offender registry is required, or domestic violence.

SB 114 - Petersen - Motor fuels taxes; rate increase or decrease each year using fuel efficiency index. [\(S\) Committee on Finance](#)(S) Left in Finance02/16/10 [notes](#): indexing of tax rates. Increases or decreases each year the rates of Virginia's fuels taxes using a fuel efficiency index. The bill would define the fuel efficiency index as the quotient that is obtained when using as the numerator the total annual vehicle miles traveled in the Commonwealth for the relevant year and using as the denominator the total gallons of motor fuel consumed for highway use in the Commonwealth for the relevant year. The numerator and denominator would be the corresponding amounts as published by the Federal Highway Administration of the United States Department of Transportation.

The bill would establish 2007 as the base year for the fuel efficiency index. Thus, the percentage change in the fuel efficiency index between the current year and 2007, the base year, would determine the annual percentage increase or decrease in the rates of Virginia's fuels taxes. Each December the Commissioner of the Department of Motor Vehicles would compute the adjusted rates of fuels taxes.

Currently, Virginia's fuels taxes are fixed at the rate of \$0.175 per gallon for each gallon of gasoline, gasohol, and diesel fuel.

SB 123 - [Petersen](#) - Stormwater management; developer of single lot to provide where redevelopment is proposed. [\(S\) Committee on Local Government](#)(S) Left in Local Government02/16/10 [notes](#): stormwater management. Requires the developer of a single lot to provide stormwater management where substantial redevelopment of the lot is proposed. Defines "substantial redevelopment" as land-disturbing activities that occur on more than 15 percent of the square footage of any single lot.

SB 125 - [Petersen](#) - Larceny; increases threshold amount of goods that determines petit larceny to grand larceny. [\(S\) Committee for Courts of Justice](#)(S) Failed to report (defeated) in Courts of Justice (5-Y 7-N)01/18/10 [notes](#): threshold amount. Increases from \$200 to \$210 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.

SB 443 - [Obenshain](#) - Alcoholic beverage control; privatization of ABC stores. [\(S\) Committee on Finance](#)(S) Left in Finance02/16/10 [notes](#): 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.

SB 525 - [Norment](#) - Cooperative Marketing Fund; dedicates revenues from soft drink excise tax and litter tax thereto. [\(S\) Committee on Finance](#)(S) Left in Finance02/16/10 [notes](#): 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.

SB 542 - [Colgan](#) - Retail Sales & Use Tax; eliminates dealer discount for communications tax, state cigarette tax, etc. [\(S\) Committee on Finance](#)(S) Left in Finance02/16/10 [notes](#): 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.

SB 543 - [Colgan](#) - Income tax, state; imposes surtax on taxable income to provide new source of revenue for localities. [\(S\) Committee on Finance](#)(S) Left in Finance02/16/10 [notes](#): Imposes a state individual income tax surtax to provide a new source of revenue for localities to encourage them to essentially remove the tangible personal property tax on vehicles that currently qualify under the car tax relief program. The surtax on Virginia taxable income would be imposed at the rate of 0.5% for tax year 2010 and at the rate of 1% for subsequent tax years.

Revenues from the surtax would be dedicated to a new Virginia Personal Property Tax Replacement Fund ("Fund"). For tax year 2010, the car tax relief program would operate as under current law, except that annual \$950 million to localities would be paid from the Fund.

For tax years 2011 and thereafter, localities that impose a personal property tax rate on qualifying vehicles not exceeding \$0.000001 per \$100 of assessed value would receive all of the net revenues from the surtax. Allocations to each such locality would be based upon its pro rata share of the personal property tax relief paid in tax year 2009. In addition, localities that have tax rates not exceeding \$0.000001 for tax year 2011 would receive an additional payment for tax year 2010 that represents the remaining net revenues from the new surtax after the payment of the \$950 million state personal property tax relief payment.

SB 548 - [Barker](#) - Restroom Access Act; created. [\(S\) Committee on Commerce and Labor](#)(S) Left in Commerce and Labor02/17/10 [notes](#): 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.

SB 643 - [Reynolds](#) - Jailable offense; discretion of law-enforcement officer to arrest or issue summons therefor. [\(S\) Committee for Courts of Justice](#)(S) Failed to report (defeated) in Courts of Justice (5-Y 10-N)02/15/10

SB 671 - [McDougle](#) - Income tax, corporate; eliminates for taxable years beginning on or after July 1, 2012. [\(S\) Committee on Finance](#)(S) Left in Finance02/16/10 [notes](#): Corporate income tax. Eliminates Virginia's corporate income tax for taxable years beginning on or after July 1, 2012

SB 691 - [Obenshain](#) - Minority Business Enterprise, Department of; enhancement measures for small, etc., businesses. [\(S\) Committee on Finance](#)(S) Left in Finance02/16/10 [notes](#): enhancement or remedial measures. Requires state contracts awarded pursuant to enhancement or remedial measures implemented to enhance participation by small, women-owned, and minority-owned businesses to include a requirement that no more than 60 percent of the work be subcontracted to another contractor except under certain circumstances. The bill authorizes the Department of Minority Business Enterprise to investigate complaints that the business has violated the contract provision and authorizes the Director to revoke the business's certification as a small, women-owned, or minority-owned business for a period of one year upon determination that the contract provision has been violated. The bill also provides that any enhancement or remedial measure require the state agency to solicit bids from all qualified vendors and not be limited to bids submitted by small, women-owned, and minority-owned businesses. Under the bill, any enhancement or remedial measure cannot exceed three percent of the total value of all vendor contracts calculated against the costs of accepting the lowest competent and qualifying bids.

SB 701 - [Marsden](#) - Cigarettes; assessment fee on manufacturers that do not participate in Master Settlement Agreement. [\(S\) Committee on Finance](#)(S) Stricken at request of Patron in Finance (14-Y 0-N)02/11/10 [notes](#): assessment fee. Imposes a cigarette assessment fee on cigarette manufacturers that

do not participate in the Master Settlement Agreement at the rate of \$0.0225 for each cigarette of such manufacturers that is sold, delivered, or consumed in the Commonwealth