

MyProfile: 2009 Retail issues

Composite [view](#) with notes

Bills	Committee	Last action	Date
HB 1580 - Oder - Hampton Roads Transportation Authority; abolished, disposition of revenues, etc.	(H) Committee on Transportation <hr/> (S) Committee on Transportation	(S) Passed by for the day	02/24/09
<p>notes: Abolishes the Authority and the taxes, fees, and charges dedicated to financing its operation and programs. The bill also makes several technical changes.</p>			
HB 1703 - Cosgrove - Indoor Clean Air Act; prohibits smoking in certain public buildings, restaurants, etc., exceptions.	(H) Committee on General Laws <hr/> (S) Committee on Education and Health	(S) Passed Senate with substitute (26-Y 13-N)	02/24/09
<p>notes: Provides that it shall be unlawful for any person to smoke in any establishment built and operated after July 1, 2010, as a restaurant, unless such establishment is constructed in such a manner that areas where smoking may be permitted are structurally separated from the portion of the restaurant in which smoking is prohibited and such areas contain structurally separated ventilation systems. Additionally, the bill provides that no wait staff or busboys in such restaurants shall be required by the proprietors or person who manages or otherwise controls any such restaurant to work in smoking areas mandated by this section without consent of such employees. The bill prohibits smoking in any building owned or leased by the Commonwealth or agency thereof or any locality. The bill contains technical amendments. T</p> <p>The following House bills were rolled into HB1703,HB1692,1704,1833,2007,2067,2246,2483.</p>			
HB 1709 - Oder - Payday lenders; prohibited from making an unsecured loan, etc., with interest rate in excess of 36%.	(H) Committee on Commerce and Labor <hr/> (S) Committee on Commerce and Labor	(S) Constitutional reading dispensed (39-Y 0-N)	02/24/09
<p>notes: Prohibits any person licensed as a lender under the Payday Loan Act from making an extension of credit under an open-end credit or similar plan. Any loan made in violation of this prohibition will be unenforceable against the borrower. Currently, any seller or lender who extends credit under such a plan may impose finance charges and such other charges and fees at such rates and in such amounts and manner as the parties may agree, if the plan provides a 25-day billing cycle.</p>			
HB 1803 - Loupassi - Retail Sales and Use Tax; revenues generated on premises of new stadium to be used to pay bonds.	(H) Committee on Finance <hr/> (S) Committee on Finance	(S) Signed by President	02/17/09

<p>HB 1819 - Kilgore - Electric rates; any distribution electric cooperative, without SCC approval, to make adjustment.</p>	<p>(H) Committee on Commerce and Labor</p> <hr/> <p>(S) Committee on Commerce and Labor</p>	<p>(S) Passed Senate (40-Y 0-N)</p>	<p>02/23/09</p>
<p>notes: Authorizes any distribution electric cooperative, without State Corporation Commission approval, to make any adjustment to its rates reasonably calculated to collect any or all of the fixed costs of owning and operating its electric distribution system through a new or modified fixed monthly charge. Such monthly charge would be in lieu of charges that are based on the volume of use of electric energy. Such changes in rates may be adopted upon an affirmative resolution of the cooperative's board of directors and shall be revenue neutral based on the cooperative's most recent cost-of-service study. Adjustments may be phased in over a three-year period, and revised tariffs are required to be filed with the State Corporation Commission for information purposes.</p>			
<p>HB 1828 - Fralin - Green roof construction; localities and water authorities to offer rate incentives therefor.</p>	<p>(H) Committee on Counties, Cities and Towns</p> <hr/> <p>(S) Committee on Local Government</p>	<p>(S) Passed Senate (40-Y 0-N)</p>	<p>02/23/09</p>
<p>notes: Allows localities and water authorities to offer rate incentives for green roof construction.</p>			
<p>HB 1856 - Shannon - Residential Property Disclosure Act; disclosure of stormwater detention facilities.</p>	<p>(H) Committee on General Laws</p> <hr/> <p>(S) Committee on General Laws and Technology</p>	<p>(S) Passed Senate (40-Y 0-N)</p>	<p>02/23/09</p>
<p>notes: Provides that an owner of real property makes no representations with respect to the presence of any stormwater detention facilities located on the property and that purchasers are advised to exercise whatever due diligence they deem necessary to determine the presence of any stormwater detention facilities on the property, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event, prior to settlement pursuant to that contract.</p>			
<p>HB 1872 - Cosgrove - Hampton Roads area; requirements for refuse collection and disposal system authorities.</p>	<p>(H) Committee on General Laws</p> <hr/> <p>(S) Committee on Local Government</p>	<p>(H) Placed on Calendar</p>	<p>02/24/09</p>
<p>notes: Sets forth the requirements that shall be followed by any authority created to collect and dispose of refuse with member localities consisting of the Cities of Norfolk, Virginia Beach, Portsmouth, Chesapeake, and Franklin, and the Counties of Isle of Wight, Southampton, and Suffolk. The list of requirements sets forth rules for selecting a board of directors, maintaining a strategic plan, setting fees and operating costs, tracking costs, revenues, and capital projects, maintaining a financing plan, and voting.</p>			
<p>HB 1884 - Nixon - Credit reports; consumer reporting agency's duty to</p>	<p>(H) Committee on Commerce and Labor</p>	<p>(H) Bill text as passed House and Senate</p>	<p>02/24/09</p>

place security freeze thereon.	(S) Committee on Commerce and Labor	(HB1884ER)	
<p>notes: Provides that a consumer reporting agency's duty to place a security freeze on a consumer's credit report within one business day after receiving such a request, which is scheduled to become effective July 1, 2009, will apply only if the consumer's request is made electronically at an address designated by the consumer reporting agency to receive such requests. For requests not made electronically at such address, the current obligation that the freeze be imposed within three business days after receiving the consumer's request will continue to apply.</p>			
HB 1886 - Nixon - Money order sales and transmission services; expands existing authority of SCC to regulate.	(H) Committee on Commerce and Labor (S) Committee on Commerce and Labor	(H) Bill text as passed House and Senate (HB1886ER)	02/24/09
<p>notes: Expands the existing authority of the State Corporation Commission to regulate money order sellers and money transmitters. The measure includes provisions that, among other things, mandate examinations of licensees every three years; increase the license application fee from \$500 to \$1,000; require annual renewal of licenses with a \$750 license renewal fee and an assessment to defray examination and supervision costs; increase minimum net worth requirements from \$100,000 to \$200,000; establish procedures for license revocation; authorize the Commission to issue cease and desist orders; establish requirements for agreements between a licensee and its authorized delegates; provide that licensees are liable for the acts and omissions of their authorized delegates; increase the maximum penalty that the Commission may assess for violations from \$1,000 to \$2,500; establish record retention requirements; establish additional reporting requirements; and require licensees to maintain permissible investments that have a market value of not less than the aggregate dollar amount of all of its outstanding money orders and money transmission transactions.</p>			
HB 1889 - Nixon - Unemployment benefits; minimum earnings requirement.	(H) Committee on Commerce and Labor (S) Committee on Commerce and Labor	(S) Passed Senate (40-Y 0-N)	02/19/09
<p>notes: 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 4, 2010; it is currently scheduled to apply to claims filed on or after July 5, 2009.</p>			
HB 1917 - Crockett-Stark - Transient occupancy tax; Giles County may impose at rate not to exceed 5% to promote tourism.	(H) Committee on Finance (S) Committee on Finance	(G) Approved by Governor-Chapter 13 (effective 7/1/09)	02/23/09
<p>notes: Adds Giles County to the list of counties that may impose a transient occupancy tax at a rate of five percent with the revenue collected in excess of the two percent rate going to promote tourism.</p>			
HB 1930 - Plum - Certification of stormwater development property;	(H) Committee on Agriculture, Chesapeake	(H) Bill text as passed House and Senate	02/23/09

Dept. of Conservation & Recreation to certify.	and Natural Resources <hr/> (S) Committee on Agriculture, Conservation and Natural Resources	(HB1930ER)	
<p>notes: Authorizes the Department of Conservation and Recreation to certify stormwater management development properties as being designed, constructed, or reconstructed for the primary purpose of abating or preventing pollution. Such a certification allows the local government to tax the property at a different rate from other classifications of real property. This technical change is necessary because responsibility for administering the stormwater program was moved from DEQ to the Department of Conservation and Recreation.</p>			
HB 1947 - Shuler - Transient occupancy tax; Bath County to impose additional not to exceed two percent.	(H) Committee on Finance <hr/> (S) Committee on Finance	(G) Approved by Governor-Chapter 16 (effective 7/1/09)	02/23/09
<p>notes: Permits Bath County to impose an additional transient occupancy tax not to exceed three percent with the revenue from such tax to be allocated as follows: (i) one-third for tourism and travel, marketing of tourism, or other initiatives that attract travelers; (ii) one-third for the design, operation, construction and improvement, acquisition, and debt service for such expenses on debt incurred after June 30, 2009, of tourism facilities, historic sites, beautification projects, promotion of the arts, regional tourism marketing efforts, capital costs related to travel and transportation including air service, public parks, and information centers; and (iii) one-third for emergency services including training and equipment for fire and rescue, police, and delivery of acute medical care to serve the community and help respond to tourism-related emergencies.</p>			
HB 1972 - Ware, R.L. - Credit insurance; require that debtors be provided with notice disclosing right to refund premium.	(H) Committee on Commerce and Labor <hr/> (S) Committee on Commerce and Labor	(H) Bill text as passed House and Senate (HB1972ER)	02/24/09
<p>notes: Requires that debtors under credit property insurance, credit involuntary unemployment insurance, credit life insurance, and credit accident and sickness insurance paid by a single premium be provided with a notice disclosing the right to a refund of premium if the insurance is terminated prior to its scheduled maturity date or the insured debt is terminated or paid off early, and of the debtor's obligation to notify the insurer of certain events. The minimum amount of a refund is increased from \$1 to \$5. Policies and certificates are required to include a notice advising the debtor of his rights and the insurer's obligations regarding premium refunds.</p>			
HB 1973 - Ware, R.L. - Litter Control and Recycling Fund; limits awarding of grants to localities.	(H) Committee on Agriculture, Chesapeake and Natural Resources <hr/> (S) Committee on Agriculture, Conservation and Natural Resources	(H) Bill text as passed House and Senate (HB1973ER)	02/23/09

notes: Limits the awarding of grants to localities whose litter prevention and recycling grant applications meet the criteria established by the Department of Environmental Quality in its Guidelines for Litter Prevention and Recycling Grants.

HB 1991 - Bulova - Stormwater management programs; establishment by localities.

[\(H\) Committee on Agriculture, Chesapeake and Natural Resources](#)

[\(S\) Committee on Agriculture, Conservation and Natural Resources](#)

(G) Approved by Governor-Chapter 18 (effective 7/1/09)

02/23/09

notes: Extends the period of time that localities have to adopt a local stormwater management program. Currently, they are required to adopt a program no sooner than 12 months and no later than 18 months after state regulations have become effective. This bill would extend the time for adoption from no sooner than 15 months to no later than 21 months. The Virginia Soil and Water Conservation Board can grant an extension to the locality of an additional 12 months if the Department of Conservation and Recreation finds that such an extension is warranted. A locality can adopt a program earlier than the minimum time frame with the consent of the Board. The bill also requires that the regulation that establishes local program criteria and delegation procedures not become effective until after July 1, 2010.

HB 2017 - Rust - Transient occupancy tax; Fairfax County limitations.

[\(H\) Committee on Finance](#)

(H) Requires a two-thirds affirmative vote of members elected

02/02/09

notes: Clarifies that the additional transient occupancy tax does not apply within the limits of any town located in Fairfax County.

HB 2019 - Rust - Transportation corridors; Transportation Board to establish connection with Transportation Plan .

[\(H\) Committee on Transportation](#)

[\(S\) Committee on Transportation](#)

(S) Passed Senate with amendments (39-Y 0-N)

02/24/09

notes: Allows the Commonwealth Transportation Board to establish transportation corridors in connection with the establishment of the Statewide Transportation Plan.

HB 2024 - Marshall, D.W. - Health insurance, basic; allows insurers to offer & sell group policies to those without coverage.

[\(H\) Committee on Commerce and Labor](#)

[\(S\) Committee on Commerce and Labor](#)

(S) Constitutional reading dispensed (39-Y 0-N)

02/24/09

notes: Allows health insurers to offer and sell group health insurance policies or contracts that do not include state mandated health insurance benefits to employers with 50 or fewer employees if the employer has not offered health insurance coverage to its employees during the preceding six months. Such a group policy or contract may include any, or none, of the state-mandated health benefits as the health insurer and the qualified small employer agree. The measure also provides that a person that obtained a certificate of public need for a medical care facility subject to an agreement to provide charity care may satisfy such conditions by making direct payments to an entity that is authorized to receive payments satisfying charity care

conditions or to a private nonprofit foundation that funds basic health insurance coverage to indigents pursuant to a memorandum of understanding with the Department of Health. Finally, the measure states that a health insurance policy or subscription contract may include caps or limits on the total annual or lifetime benefits provided thereunder at specified dollar amounts.

<p>HB 2039 - Iaquinto - Consumer Protection Act; prohibited practice to sell, offer for sale, etc., recalled product.</p>	<p>(H) Committee on Commerce and Labor</p> <hr/> <p>(S) Committee on Commerce and Labor</p>	<p>(H) Bill text as passed House and Senate (HB2039ER)</p>	<p>02/24/09</p>
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notes: Provides that it is a prohibited practice under the Virginia Consumer Protection Act to sell, offer for sale, or manufacture for sale a product recalled by the U.S. Consumer Product Safety Commission.

<p>HB 2051 - Gear - Alcoholic beverage control; ABC Board to establish schedule of offenses which penalty may be waived.</p>	<p>(H) Committee on General Laws</p> <hr/> <p>(S) Committee on Rehabilitation and Social Services</p>	<p>(S) Signed by President</p>	<p>02/18/09</p>
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notes: Requires the ABC Board, by regulation, to establish a schedule of offenses for which any penalty may be waived upon a showing that the licensee has had no prior violations within three years immediately preceding the date of the violation.

<p>HB 2052 - Gear - Alcoholic mixed beverages; exception for certain spirits that licensee cannot deliver to consumer.</p>	<p>(H) Committee on General Laws</p> <hr/> <p>(S) Committee on Rehabilitation and Social Services</p>	<p>(G) Approved by Governor-Chapter 20 (effective 7/1/09)</p>	<p>02/23/09</p>
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notes: Makes an exception for certain spirits to the rule that a mixed beverage licensee cannot deliver to a consumer alcoholic beverages in the original bottle. To qualify for the exception, the bill requires that (i) the original container of spirits is no larger than 375 milliliters, (ii) the alcohol content is no greater than 15 percent by volume, and (iii) the contents of the container are carbonated and perishable.

<p>HB 2059 - Hamilton - Food and beverage taxes; provides numerous exemptions to meals imposed by cities & towns.</p>	<p>(H) Committee on Finance</p> <hr/> <p>(S) Committee on Finance</p>	<p>(S) Passed Senate (40-Y 0-N)</p>	<p>02/23/09</p>
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notes: Provides numerous exemptions to meals taxes imposed by cities and towns, and expands such exemptions from meals taxes imposed by counties.

<p>HB 2084 - Purkey - Real and personal property taxes; exempts certain pollution control equipment & facilities.</p>	<p>(H) Committee on Finance</p> <hr/> <p>(S) Committee on Finance</p>	<p>(S) Passed by for the day</p>	<p>02/24/09</p>
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notes: Exempts certain pollution control equipment and facilities from local property taxes.

<p>HB 2086 - Purkey - Retail Franchise Act; replaces references to grants of franchises with sales of franchises.</p>	<p>(H) Committee on Commerce and Labor</p> <hr/> <p>(S) Committee on Commerce and Labor</p>	<p>(H) Bill text as passed House and Senate (HB2086ER)</p>	<p>02/24/09</p>
<p>notes: Replaces references to "grants" of franchises with "sales" of franchises in order to conform Virginia's forms with the terminology used by the Federal Trade Commission and the North American Securities Administrator's Association, Inc. The provision stating that the Virginia Retail Franchise Act applies to grants and offers to grant franchises on and after July 1, 1972, is repealed. The measure is emergency legislation to take effect upon passage.</p>			
<p>HB 2138 - Miller, J.H. - Graffiti abatement; permits localities to charge property owner for cost thereof.</p>	<p>(H) Committee on Counties, Cities and Towns</p> <hr/> <p>(S) Committee on Local Government</p>	<p>(S) Passed Senate (35-Y 3-N)</p>	<p>02/24/09</p>
<p>notes: Permits localities to charge a property owner for the cost or expenses of abating graffiti that occurs on his vacant property, and to collect such charges as taxes are collected. If the charges remain unpaid, they shall constitute a lien and become enforceable in the same manner as unpaid local taxes.</p>			
<p>HB2120 was rolled into this bill.</p>			
<p>HB 2155 - Toscano - Electric utility service; net energy metering.</p>	<p>(H) Committee on Commerce and Labor</p> <hr/> <p>(S) Committee on Commerce and Labor</p>	<p>(S) Constitutional reading dispensed (39-Y 0-N)</p>	<p>02/24/09</p>
<p>notes: Requires an electric utility that purchases excess electricity generated by an eligible customer-generator under the net energy metering program pay for such electric power at a rate that is at least equal to the retail tariff rate that the customer-generator is charged for the electricity it buys from the utility. The maximum generation capacity for a nonresidential customer-generator is increased from 500 kilowatts to two megawatts. The measure also requires the State Corporation Commission to establish a program that will allow a customer with multiple, separately billed facilities located within a utility's service territory, one or more of which are eligible customer-generators, to aggregate the electricity consumption and generation of its participating facilities.</p>			
<p>HB 2168 - Abbitt - Stormwater offsets; authorizes permit-issuing authorities to allow permit holders to comply.</p>	<p>(H) Committee on Agriculture, Chesapeake and Natural Resources</p> <hr/> <p>(S) Committee on Agriculture, Conservation and Natural Resources</p>	<p>(H) VOTE: --- ADOPTION (97-Y 0-N)</p>	<p>02/20/09</p>
<p>notes: Authorizes permit-issuing authorities to allow stormwater permit holders to comply with nonpoint</p>			

nutrient runoff water quality criteria by either (i) acquiring offsite nonpoint nutrient offsets that have been certified under the Chesapeake Bay Nutrient Exchange Program or (ii) through water quality measures contained in a regional stormwater management plan. The offsets have to be in the same tributary as the permitted activity. The bill also requires an offset broker to pay the permit-issuing authority a fee equal to six percent of the amount paid by the permittee for the offsets.

<p>HB 2292 - Cline - Workers' Compensation Act; insurance notices.</p>	<p>(H) Committee on Commerce and Labor</p> <hr/> <p>(S) Committee on Commerce and Labor</p>	<p>(H) Bill text as passed House and Senate (HB2292ER)</p>	<p>02/24/09</p>
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notes: Authorizes the Workers' Compensation Commission to designate an agent for receipt of insurance-related notices that are required to be given to the Commission by an employer, insurance carrier, or group self-insurance association. The measure will take effect upon passage.

<p>HB 2293 - Albo - Alcoholic Beverage Control Board; creates 2-year pilot project for certain mixed beverage licensees.</p>	<p>(H) Committee on General Laws</p> <hr/> <p>(S) Committee on Rehabilitation and Social Services</p>	<p>(S) Passed Senate (39-Y 0-N)</p>	<p>02/24/09</p>
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notes: Creates a two-year pilot project for certain mixed beverage licensees of the Alcoholic Beverage Control Board. The bill allows a participating mixed beverage restaurant licensee to use alternative calculation for the food-to-beverage ratio based on volume by proof gallon. The bill sets out the parameters of the pilot project and requires the ABC Board to report its findings and any recommendations based on the results of the project to the chairs of the House Committee on General Laws and the Senate Committee on Rehabilitation and Social Services on or before July 1, 2011. The bill defines proof gallon.

<p>HB 2371 - Nutter - Rates; SCC to conduct proceeding relating thereto for certain sales of electric power to customers.</p>	<p>(H) Committee on Commerce and Labor</p> <hr/> <p>(S) Committee on Commerce and Labor</p>	<p>(S) Constitutional reading dispensed (39-Y 0-N)</p>	<p>02/24/09</p>
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notes: Directs the State Corporation Commission to promulgate regulations requiring electric utilities to offer electric service to non-residential customers under a tariff that utilizes rates that vary in real time in accordance with hourly changes in the utility's costs of providing electricity. To be eligible to receive service under the tariff, the customer shall operate a distributed generation facility that produces electricity from renewable power. The regulations shall also include provisions that require the utility to purchase from such a customer electricity generated at is distributed generation facility at a price that reflects the utility's avoided costs as they vary hourly. To be eligible for this part of the tariff, the facility's capacity shall not exceed 200 megawatts. Up to 50 percent of the amount of electricity for which the eligible customer is entitled to receive payment under such tariff may be in the form of reduced consumption through on-site efficiency measures. A utility is not required to offer service under the tariff after July 1, 2012, though customers receiving service under the tariff may continue to do so. No more than one percent of the utility's aggregate average monthly consumption is eligible to take service under the tariff. The Commission is required to report annually on the status of the measure and the effectiveness of the tariff.

<p>HB 2424 - May - Graffiti; restitution for abatement costs.</p>	<p>(H) Committee on Counties, Cities and Towns</p> <hr/> <p>(S) Committee on Local Government</p>	<p>(S) Passed Senate (40-Y 0-N)</p>	<p>02/23/09</p>
<p>notes: Permits courts to order any person convicted of unlawfully defacing property to pay full or partial restitution to the locality for costs incurred by the locality in removing or repairing the defacement. Further provides that such order of restitution shall be docketed as provided in § 8.01-446 when and may be enforced by the locality in the same manner as a judgment in a civil action.</p>			
<p>HB 2446 - Sickles - Motor fuels and lubricating oils; updates referenced standard for testing thereof.</p>	<p>(H) Committee on Commerce and Labor</p> <hr/> <p>(S) Committee on Commerce and Labor</p>	<p>(S) Constitutional reading dispensed (39-Y 0-N)</p>	<p>02/24/09</p>
<p>notes: Updates the referenced standard for testing by the Commissioner of Agriculture and Consumer Services of motor fuel or lubricating oil. The measure incorporates by reference the specifications established by ASTM International and incorporated into the ASTM specifications for motor fuels. The measure revises the definitions of motor fuel and oxygenated gasoline, and replaces several references to "gasoline" with "motor fuel."</p>			
<p>HB 2472 - Hugo - Merchants' capital tax; gives lessor and lessee right to terminate to be daily rental property.</p>	<p>(H) Committee on Finance</p> <hr/> <p>(S) Committee on Finance</p>	<p>(H) VOTE: --- ADOPTION (98-Y 0-N)</p>	<p>02/24/09</p>
<p>notes: Deems rented merchants' capital under contracts giving both the lessor and the lessee the right to terminate at any time to be daily rental property. Under current law, persons engaged in the short-term rental business cannot be taxed in an amount that exceeds one percent of the gross proceeds from daily rental property.</p>			
<p>HB 2479 - Hugo - Real property tax rate; reduces tax imposed on commercial property in Northern Virginia.</p>	<p>(H) Committee on Finance</p> <hr/> <p>(S) Committee on Finance</p>	<p>(S) Passed Senate with amendment (37-Y 2-N)</p>	<p>02/24/09</p>
<p>notes: Reduces the rate of the additional real property tax that may be imposed on commercial property by localities embraced by the Northern Virginia Transportation Authority from \$0.25 per \$100 to \$0.125 per \$100.</p>			
<p>HB 2480 - Hugo - Real property tax; commercial property in Northern Virginia and Hampton Roads.</p>	<p>(H) Committee on Finance</p> <hr/> <p>(S) Committee on Finance</p>	<p>(S) Passed Senate with substitute (32-Y 5-N)</p>	<p>02/24/09</p>
<p>notes: Requires localities to use the revenue from the special real property tax on commercial property in</p>			

localities embraced by the Northern Virginia Transportation Authority or the Hampton Roads Transportation Authority solely for new road construction and new public transit construction. Under current law, the localities must use the revenue for transportation purposes that benefit the special regional transportation tax district to which the locality belongs.

<p><u>HB 2515</u> - <u>Tata</u> - Workers' Compensation Act; increases maximum tax rate that may be assessed on uninsured, etc.</p>	<p>(H) Committee on Commerce and Labor</p> <hr/> <p>(S) Committee on Commerce and Labor</p>	<p>(S) Constitutional reading dispensed (39-Y 0-N)</p>	<p>02/24/09</p>
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notes: Increases the maximum tax rate that may be assessed on uninsured or self-insured employers from 0.25 percent to 0.5 percent. The revenues from the tax fund workers' compensation benefits that are awarded against such employers from the uninsured employer's fund. The measure sunsets on July 1, 2012.

<p><u>HB 2519</u> - <u>Phillips</u> - Electric utilities; SCC to establish procedures regarding refunds of moneys collected.</p>	<p>(H) Committee on Commerce and Labor</p> <hr/> <p>(S) Committee on Commerce and Labor</p>	<p>(S) Constitutional reading dispensed (39-Y 0-N)</p>	<p>02/24/09</p>
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notes: Requires the State Corporation Commission (SCC) to establish procedures regarding refunds by electric utilities of moneys collected from fuel cost tariffs in excess of actual fuel costs. The measure directs the SCC to continuously review fuel costs of all electric utilities and, if the SCC finds that a utility is in an over-recovery position, or likely to be so, to reduce the fuel cost tariffs to correct the over-recovery or require the utility to refund over-recoveries to customers. Currently, the SCC is authorized to review the fuel costs only of those utilities not bound by a rate case settlement that extended in its application beyond January 1, 2002, and if it finds that such a utility is in an over-recovery position, or likely to be so, the SCC is authorized to reduce its fuel cost tariffs to correct the over-recovery.

<p><u>HB 2531</u> - <u>Kilgore</u> - Electricity; SCC to conduct proceeding to determine appropriate energy conservation, etc.</p>	<p>(H) Committee on Commerce and Labor</p> <hr/> <p>(S) Committee on Commerce and Labor</p>	<p>(S) Constitutional reading dispensed (39-Y 0-N)</p>	<p>02/24/09</p>
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<p><u>HB 2578</u> - <u>Howell, A.T.</u> - Novelty cigarette lighters; prohibiting purchase, distribution, etc. to persons under age of 18.</p>	<p>(H) Committee for Courts of Justice</p> <hr/> <p>(S) Committee for Courts of Justice</p>	<p>(S) Constitutional reading dispensed (39-Y 0-N)</p>	<p>02/24/09</p>
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notes: Provides that any person who knowingly sells, distributes, or gives a novelty lighter to a person he knows or has reason to know is a juvenile, is subject to a fine of no more than \$100 and that any juvenile who attempts to purchase a novelty lighter is subject to a fine of no more than \$100.

<p><u>HB 2597</u> - <u>Oder</u> - Alcoholic beverage control; ABC Board to adopt regulation that require off-premise retail licensees.</p>	<p>(H) Committee on General Laws</p> <hr/> <p>(S) Committee on</p>	<p>(S) Signed by President</p>	<p>02/18/09</p>
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	Rehabilitation and Social Services		
notes: Mandates the ABC Board to adopt regulations that require off-premises retail licensees to place any premixed alcoholic energy drinks containing one-half of one percent or more of alcohol by volume in the same location where wine and beer are available for sale within the licensed premises.			
SB 922 - Reynolds - Larceny of money; to be charged as grand larceny and petit larceny statutes.	(H) Committee for Courts of Justice <hr/> (S) Committee for Courts of Justice	(H) VOTE: BLOCK VOTE PASSAGE (99-Y 0-N)	02/24/09
notes: Allows larceny of bank notes, checks, or other writing or paper of value to be charged as larceny under the grand larceny and petit larceny statutes.			
SB 954 - McDougle - Consumer Protection Act; prohibited practice to sell, offer for sale, etc., recalled product.	(H) Committee on Commerce and Labor <hr/> (S) Committee on General Laws and Technology	(H) VOTE: BLOCK VOTE PASSAGE (99-Y 0-N)	02/24/09
SB 960 - Obenshain - Credit cards; clarifies language allowing acceptance thereof by clerks to make it clear.	(H) Committee for Courts of Justice <hr/> (S) Committee for Courts of Justice	(H) VOTE: BLOCK VOTE PASSAGE (99-Y 0-N)	02/24/09
notes: Clarifies the language allowing the acceptance of credit cards by clerks to make it clear that the convenience fee collected is to be collected from the person presenting the card as payment and not the credit card issuer. The bill also changes the language calling this fee a service charge to a reasonable convenience fee to mirror the language used in credit contracts.			
SB 978 - Stuart - Income taxes, state; recognition of income from dealer disposition of property under installment.	(H) Committee on Finance <hr/> (S) Committee on Finance	(S) Bill text as passed Senate and House (SB978ER)	02/23/09
notes: Allows the income from dealer dispositions of property made on or after January 1, 2009, to be recognized under the installment method at the election of the taxpayer, provided that (i) the election relating to the dealer disposition of the property has been made on or before the due date prescribed by law for filing the taxpayer's income tax return, and (ii) the dealer disposition is in accordance with restrictions and conditions established by the Department.			
SB 982 - Wagner - Stormwater; requires localities to regulate.	(H) Committee on Counties, Cities and Towns <hr/> (S) Committee on Local Government	(H) Passed by for the day	02/24/09

notes: Requires localities to provide full or partial waivers of charges to any person who develops, redevelops or retrofits outfalls, discharges or property so that there is a permanent reduction in post-development stormwater flow and pollutant loading. Under current law, localities have the option of providing such waivers.

SB 983 - Wagner - Alcoholic mixed beverages; exception for certain spirits that licensee cannot deliver to consumer.	(H) Committee on General Laws <hr/> (S) Committee on Rehabilitation and Social Services	(H) VOTE: --- PASSAGE (97-Y 2-N)	02/20/09
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notes: Makes an exception for certain spirits to the rule that a mixed beverage licensee cannot deliver to a consumer alcoholic beverages in the original bottle. To qualify for the exception, the bill requires that (i) the original container of spirits is no larger than 375 milliliters, (ii) the alcohol content is no greater than 15 percent by volume, and (iii) the contents of the container are carbonated and perishable.

SB 987 - Colgan - Retail Sales and Use Tax; requirements for dealer or direct permit holder discount.	(H) Committee on Appropriations <hr/> (S) Committee on Finance	(H) Assigned App. sub: Technology Oversight & Government Activities (Landes)	02/13/09
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notes: Eliminates dealer tax and fee discounts and allowances for the retail sales and use tax, tire recycling fee, communications sales and use tax, cigarette and tobacco products tax, E-911 service tax, and fuels taxes.

SB 1006 - Quayle - Line of Duty Act; funding for Line of Duty Death and Health Benefits Trust Fund.	(H) Committee on Appropriations <hr/> (S) Committee on Finance	(H) Assigned App. sub: Compensation and Retirement (Hogan, Clarke N.)	02/16/09
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SB 1018 - Miller, J.C. - Hampton Roads Transportation Authority; taxes, fees, etc. dedicated to financing its operation.	(H) Committee on Transportation <hr/> (S) Committee on Transportation	(H) Passed by for the day	02/24/09
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notes: Removes the Counties of James City and York and the Cities of Hampton, Newport News, Poquoson, and Williamsburg from the Hampton Roads Transportation Authority.

SB 1021 - McEachin - Retail Sales and Use Tax; revenues generated on premises of new stadium to be used to pay bonds.	(H) Committee on Finance <hr/> (S) Committee on Finance	(S) Bill text as passed Senate and House (SB1021ER)	02/23/09
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notes: Sets aside certain sales tax revenues generated by transactions occurring on the premises of a new stadium or structures attached thereto with such revenues to be used to repay any bonds issued to finance the construction of such stadium. The bonds must be issued on or after July 1, 2009, but before July 1, 2012.

SB 1033 - Hanger - Licensed farm wineries; restrictions on activities.	(H) Committee on Agriculture, Chesapeake and Natural Resources	(H) VOTE: BLOCK VOTE PASSAGE (99-Y 0-N)	02/24/09
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	(S) Committee on Local Government		
notes: Amends the Commonwealth's policy regarding local restriction on activities and events held at farm wineries by requiring localities to take into account the agricultural nature of such activities and events.			
SB 1105 - Northam - Indoor Clean Air Act; prohibits smoking in certain public buildings, restaurants, etc., exceptions.	(H) Committee on General Laws (S) Committee on Education and Health	(H) VOTE: --- ADOPTION (60-Y 39-N)	02/19/09
SB 1258 - McDougle - Alcoholic beverage control; requires ABC Board to establish a schedule of offenses.	(H) Committee on General Laws (S) Committee on Rehabilitation and Social Services	(S) House amendments agreed to by Senate (38-Y 0-N)	02/23/09
notes: Requires the ABC Board, by regulation, to establish a schedule of offenses for which any penalty may be waived upon a showing that the licensee has had no prior violations within three years immediately preceding the date of the violation.			
SB 1315 - Locke - Machinery and tools; separate classification for local taxation.	(H) Committee on Finance (S) Committee on Finance	(S) Bill text as passed Senate and House (SB1315ER)	02/23/09
notes: Declares machinery and tools used directly in the manufacture of precision investment castings to be a separate classification of machinery and tools for local taxation. Localities may tax property so classified at rates or assessment ratios that are less than those for other machinery and tools.			
SB 1339 - Herring - Electric utility regulation; directs SCC to require utilities to offer service under tariffs.	(H) Committee on Commerce and Labor (S) Committee on Commerce and Labor	(H) VOTE: --- PASSAGE (98-Y 0-N)	02/24/09
notes: Directs the State Corporation Commission to take into account, when considering requests for a certificate, permit, or approval for a generation facility, whether the facility is consistent with the utility's integrated resource plan. The measure also (i) establishes a fourth voluntary renewable portfolio standard goal of 15 percent by 2025; (ii) allows utilities to recover costs of designing and operating demand management, conservation, energy efficiency, and load management programs, including an enhanced rate of return on capital invested in energy efficiency, including advanced metering infrastructure, of 200 basis points for between three and seven years; (iii) requires utilities to develop tariffs offering real-time variable rates; and (iv) requires that rates for utility payments to eligible customer-generators under a net energy metering program be not less than the rate the utility charges its customers for electricity provided 100 percent from renewable energy.			

SB 1351 - Wagner - Health insurance plan; insurance mandate for accident, etc. apply to plans for state employees.	(H) Committee on General Laws <hr/> (S) Committee on Commerce and Labor	(H) VOTE: BLOCK VOTE PASSAGE (99-Y 0-N)	02/24/09
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notes: Provides that any law effective on or after July 1, 2009, that provides for an insurance mandate for policies of accident and health insurance shall also apply to health insurance plans for state employees. The measure also requires the Department of Human Resource Management to report to the Special Advisory Commission on Mandated Health Insurance Benefits on cost and utilization information for each of the mandated benefits.

SB 1355 - Wagner - Trusts, state and local; created to fund costs for providing postemployment public benefits.	(H) Committee on Appropriations <hr/> (S) Committee on Finance	(H) Assigned App. sub: Compensation and Retirement (Hogan, Clarke N.)	02/16/09
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notes: Creates trusts or equivalent arrangements to fund the costs of providing postemployment benefits other than pensions for the Commonwealth and for counties, cities, towns, school divisions, and other political subdivisions of the Commonwealth.

SB 1369 - Barker - Graffiti abatement; permits localities to charge property owner for cost thereof.	(H) Committee on Counties, Cities and Towns <hr/> (S) Committee on Local Government	(H) VOTE: --- PASSAGE (90-Y 8-N)	02/24/09
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notes: Permits localities to charge a property owner for the cost or expenses of abating graffiti that occurs on his vacant property, and to collect such charges as taxes are collected. If the charges remain unpaid, they shall constitute a lien and become enforceable in the same manner as unpaid local taxes.

Bills	Committee	Last action	<u>Date</u>
SB 1369 - Barker - Graffiti abatement; permits localities to charge property owner for cost thereof.	(H) Committee on Counties, Cities and Towns <hr/> (S) Committee on Local Government	(H) VOTE: --- PASSAGE (90-Y 8-N)	02/24/09
notes: Permits localities to charge a property owner for the cost or expenses of abating graffiti that occurs on his vacant property, and to collect such charges as taxes are collected. If the charges remain unpaid, they shall constitute a lien and become enforceable in the			

same manner as unpaid local taxes.			
SB 1411 - Watkins - Health insurance, basic; allows insurers to offer & sell group policies to those without coverage.	(H) Committee on Commerce and Labor <hr/> (S) Committee on Commerce and Labor	(H) VOTE: BLOCK VOTE PASSAGE (99-Y 0-N)	02/24/09
SB 1431 - Cuccinelli - REAL ID Act of 2005; State will not comply with provision thereof that compromises economic privacy.	(H) Committee on Militia, Police and Public Safety <hr/> (S) Committee on Transportation	(H) VOTE: --- PASSAGE (96-Y 3-N)	02/24/09
notes: Provides that the Commonwealth will not comply with any provision of the federal REAL ID Act and with any other federal law, regulation, or policy that would compromise the economic privacy, biometric data, or biometric samples of any resident of the Commonwealth.			
SB 1445 - Deeds - Alcoholic beverage control; location of sale for shipper's license.	(H) Committee on General Laws <hr/> (S) Committee on Rehabilitation and Social Services	(H) VOTE: --- PASSAGE (93-Y 4-N)	02/24/09
notes: Clarifies, for purposes of determining the location, premises, or place of sale by a wine shipper licensee or a beer shipper licensee pursuant to § 4.1-203, that a sale occurs when wine or beer is delivered by the licensee to an approved common carrier for shipment.			
SB 1495 - Locke - Unemployment compensation; voluntarily leaving employment to accompany military spouse.	(H) Committee on Commerce and Labor <hr/> (S) Committee on Commerce and Labor	(H) VOTE: --- PASSAGE (85-Y 14-N)	02/24/09
notes: Provides that good cause for leaving employment exists if an employee voluntarily leaves a job to accompany the employee's spouse, who is on active duty in the military or naval services of the United States, to a new military-related assignment established pursuant to a permanent change of duty order from which the employee's place of employment is not reasonably accessible. The measure applies only if the state to which the spouse is transferred has a similar provision. Benefits paid to qualifying claimants shall be charged against the pool rather than against the claimant's employer.			