

## Failed bills or bills rolled into other leg.2009

Composite [view](#) with notes

Bills	Committee	Last action	Date
<p><a href="#">HB 1581</a> - <a href="#">Toscano</a> - Highway logo and tourist-oriented directional sign programs; VDOT &amp; Transportation Bd. to provide.</p>	<p><a href="#">(H) Committee on Transportation</a></p>	<p>(H) Stricken from docket by Transportation</p>	<p>01/20/09</p>
<p><u>notes</u>: Requires the Virginia Department of Transportation (VDOT) and the Commonwealth Transportation Board to revise VDOT's highway logo sign and tourist-oriented directional sign programs to provide for signs giving directions to senior centers.</p>			
<p><a href="#">HB 1582</a> - <a href="#">Howell, A.T.</a> - Home access businesses; owner/operator thereof to conduct criminal background check of employees.</p>	<p><a href="#">(H) Committee on Militia, Police and Public Safety</a></p>	<p>(H) Left in Militia, Police and Public Safety</p>	<p>02/10/09</p>
<p><u>notes</u>: Requires the owner or operator of a commercial establishment that provides a service that requires the establishment's employees regularly to enter the interior area of the residence of its customers to conduct a criminal background check of employees whose regular duties can reasonably be expected to require entering the interior area of the residences of establishment's customers. Effective September 1, 2009, employers are required to complete a criminal records check on prospective employees, but an employer is not prohibited from hiring an employee on the basis of the results of the criminal records check. Employers are required to keep copies of the fingerprints and records check for such employees. Employers shall provide identification badges to employees and require the employees to wear the badge when they are expected to enter customers' homes. Violations constitute a Class 3 misdemeanor.</p>			
<p><a href="#">HB 1661</a> - <a href="#">Scott, J.M.</a> - Motor fuels tax; converts rates to percentage that shall be calculated by DMV Commissioner.</p>	<p><a href="#">(H) Committee on Finance</a></p>	<p>(H) Left in Finance</p>	<p>02/10/09</p>
<p><u>notes</u>: 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 Division 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 Division of Motor Vehicles over rolling six-month periods, to determine the cents per gallon to be charged.</p>			
<p><a href="#">HB 1726</a> - <a href="#">Rust</a> - Group life insurance; allows coverage to be extended to insure any class of persons.</p>	<p><a href="#">(H) Committee on Commerce and Labor</a></p>	<p>(H) Left in Commerce and Labor</p>	<p>02/10/09</p>
<p><u>notes</u>: Allows coverage under a group life insurance policy to be extended to insure any class of persons as may mutually be agreed upon by the insurer and the group policyholder.</p>			

<p><a href="#">HB 1744</a> - <a href="#">Pogge</a> - Natural health care providers; not licensed may provide care to consumer for use of natural foods.</p>	<p><a href="#">(H) Committee on Health, Welfare and Institutions</a></p>	<p>(H) Tabled in Health, Welfare and Institutions</p>	<p>01/27/09</p>
<p><b>notes:</b> Clarifies that an individual who is not licensed, registered, certified, or permitted by a health regulatory board may provide health care services, therapies, and methods by assessing, evaluating, advising, educating, counseling, informing, or rendering care to consumers regarding the use of natural foods, dietary supplements, homeopathic remedies and products, and healing and natural therapies for the prevention, remedy, or treatment of various health or physical conditions as long as he discloses to consumers his qualifications and does not violate existing provisions governing the health professions.</p>			
<p><a href="#">HB 1809</a> - <a href="#">Morrissey</a> - Consumer Finance Act; open-end loan plans secured by motor vehicle titles.</p>	<p><a href="#">(H) Committee on Commerce and Labor</a></p>	<p>(H) Tabled in Commerce and Labor</p>	<p>02/05/09</p>
<p><b>notes:</b> Makes loans to an individual for personal, family, or household purposes that are secured by a nonpurchase-money security interest in a motor vehicle subject to the provisions of the Consumer Finance Act. Licensees under the Act are prohibited from charging interest of more than 36 percent annually on such loan balances and are required to comply with the existing 25-day grace period. The measure also provides that other types of extensions of credit under an open-end credit or similar plan by a seller or lender, under which interest currently may be charged at any rate on which the parties agree, may be made only by sellers of goods or services or by certain licensed or regulated financial institutions.</p>			
<p><a href="#">HB 1811</a> - <a href="#">Morrissey</a> - Deferred disposition; allows court to defer &amp; dismiss any criminal case other than Class 4 felonies.</p>	<p><a href="#">(H) Committee for Courts of Justice</a></p>	<p>(H) Left in Courts of Justice</p>	<p>02/10/09</p>
<p><b>notes:</b> Allows a court to defer and dismiss any criminal case other than Class 4 felonies or more severe felonies, violent felonies, crimes that require registration on the sex offender registry, certain felony sex crimes, manslaughter, and DUI. Deferred disposition would be available to a person even though he had previously availed himself of deferred disposition or had been previously convicted of a crime, except in the interests of justice.</p>			
<p><a href="#">HB 1812</a> - <a href="#">Morrissey</a> - Questioning employees about criminal convictions; prohibits employer from asking about certain.</p>	<p><a href="#">(H) Committee for Courts of Justice</a></p>	<p>(H) Left in Courts of Justice</p>	<p>02/10/09</p>
<p><b>notes:</b> Prohibits a state agency employer from asking an existing or prospective employee about the individual's record of arrests or convictions, unless the question refers to an arrest or conviction that occurred within the preceding eight years or was for a violent felony. An employer may not take negative employment actions against an individual based on a response to a prohibited question. A violation is punishable by a \$500 civil penalty.</p>			
<p><a href="#">HB 1814</a> - <a href="#">Morrissey</a> - Plastic bags; bans use by retailers at point of sale unless designed &amp; manufactured for reuse.</p>	<p><a href="#">(H) Committee on Agriculture, Chesapeake and Natural Resources</a></p>	<p>(H) Left in Agriculture, Chesapeake and Natural Resources</p>	<p>02/10/09</p>

notes: 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.

**HB 1815** - **Morrissey** - Questioning employees about criminal convictions; prohibits employer from asking about certain.

**(H) Committee for Courts of Justice**

(H) Stricken from docket by Courts of Justice

01/21/09

notes: Prohibits an employer from asking an existing or prospective employee about the individual's record of arrests or convictions, unless the question refers to an arrest or conviction that occurred within the preceding 8 years or was for a violent felony. An employer may not take negative employment actions against an individual based on a response to a prohibited question. A violation is a Class 1 misdemeanor.

**HB 1821** - **Johnson** - Concealed handguns; prohibited from carrying onto premises of restaurants and consuming alcohol.

**(H) Committee on Militia, Police and Public Safety**

(H) Left in Militia, Police and Public Safety

02/10/09

notes: 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. A person who carries a concealed handgun onto the premises of a restaurant or club shall inform a designated employee of the restaurant or club of that fact. 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.

**HB 1829** - **Fralin** - Health insurance, individual; requires SCC establish, by regulation, etc., for underwriting thereof.

**(H) Committee on Commerce and Labor**

(H) Stricken from docket by Commerce and Labor

01/27/09

notes: Requires the State Corporation Commission to establish, by regulation, classes, and tiers with each class, for the underwriting of health insurance coverage in the individual market. Classes and tiers shall recognize the risk associated with an individual's health condition or diagnosis, while differentiating among individuals diagnosed with or treated for a specific illness, disease, or condition based upon factors including the individual's current health condition and diagnosis; the current severity of the illness, disease, or condition; the prognosis for increased severity during the term of the coverage; projections of medical treatments and services expected to be required during the term of the coverage; and the extent to which the symptoms or pathologies associated with the illness, disease, or condition are adequately controlled through such measures as medication, diet, and exercise. Health insurers are required to underwrite such individual health insurance coverage, and to rate insured individuals, in a manner that ensures that the individual is placed in the appropriate class or tier. Insurers are required to provide an internal review procedure, and individuals aggrieved by the insurer's decision may appeal to the Commission, which may modify, affirm, or reverse the decision.

**HB 1846** - **Lingamfelter** - Motor fuels tax; converts rates to percentage that shall be calculated by DMV Commissioner.

**(H) Committee on Finance**

(H) Left in Finance

02/10/09

notes: Eliminates the current seventeen and one-half cents per gallon motor fuels tax and replaces it with a 5% sales and use tax, while retaining the collection of the replacement tax at the %93rack%94 or terminal (wholesale level) where the current cents per gallon tax is collected.

<b><u>HB 1849</u></b> - <b><u>Lingamfelter</u></b> - Post-Disaster Anti-Price Gouging Act; expands definition of disaster for purposes thereof.	<a href="#">(H) Committee on Commerce and Labor</a>	(H) Left in Commerce and Labor	02/10/09
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notes: Expands the definition of "disaster" for purposes of the Virginia Post-Disaster Anti-Price Gouging Act to include any resource shortage in the Commonwealth that results from a disaster for which the President has declared a state of emergency and for which the Governor has issued an executive order proclaiming that a shortage exists. A resource shortage is an absence, unavailability or reduced supply of any raw or processed natural resource, or any commodities, goods or services of any kind that bear a substantial relationship to the health, safety, welfare and economic well-being of the citizens of the Commonwealth. The measure also revises the definition of "supplier" to delete the condition that a manufacturer, distributor or licensor advertise the goods or services that are to be resold, leased, or sublicensed in a consumer transaction. The definition of a "time of disaster" is clarified and amended to include the period of time during which a Governor's proclamation provides that a resource shortage exists.

<b><u>HB 1895</u></b> - <b><u>Watts</u></b> - Estate tax; reinstates federal credit amount State would receive payments from deaths.	<a href="#">(H) Committee on Finance</a>	(H) Left in Finance	02/10/09
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notes: Reinstates the federal credit amount so that the Commonwealth would receive payments from those estates of persons dying on or after July 1, 2009. No estate tax would be imposed on a gross estate if the majority of the assets of the total estate were 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 of direct care services to each resident per 24-hour period.

<b><u>HB 1903</u></b> - <b><u>Armstrong</u></b> - Post-Disaster Anti-Price Gouging Act; prohibition on price gouging during time of resource shortage.	<a href="#">(H) Committee on Commerce and Labor</a>	(H) Left in Commerce and Labor	02/10/09
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notes: Expands the existing prohibition on post-disaster price gouging to prohibit a seller from selling necessary goods and services at an unconscionable price during the time of a resource shortage within any affected area of the Commonwealth. A resource shortage is defined as an absence, unavailability, or reduced supply of certain natural resources, commodities, goods, or services that results from a state of emergency anywhere in the country when a presidential state of emergency is declared.

<b><u>HB 1968</u></b> - <b><u>Massie</u></b> - Sentencing order; guilty of Class 1 misdemeanor for failing to comply.	<a href="#">(H) Committee for Courts of Justice</a> <hr/> <a href="#">(S) Committee for Courts of Justice</a>	(S) Assigned Courts sub: Criminal	02/11/09
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notes: Creates a Class 1 misdemeanor for willfully and knowingly violating a sentencing order by failing to surrender to jail at the time ordered by the court.

<a href="#"><b>HB 1977</b></a> - <a href="#">Ware, R.L.</a> - Health insurance; mandated coverage for prosthetic devices and components.	<a href="#">(H) Committee on Commerce and Labor</a>	(H) Left in Commerce and Labor	02/10/09
<b>notes:</b> Requires health insurers, health care subscription plans, and health maintenance organizations to provide coverage for the cost of prosthetic devices and components. The measure also requires that the health insurance plan for state employees include coverage for the cost of prosthetic devices and components.			
<a href="#"><b>HB 2006</b></a> - <a href="#">Hull</a> - Local government; equalizes municipal & county taxing authority.	<a href="#">(H) Committee on Finance</a>	(H) Left in Finance	02/10/09
<b>notes:</b> Equalizes municipal and county taxing authority by granting a county the same authority available to a municipality through the uniform charter powers provided that the combined total of any new tax revenue from such expanded authority and the proposed equalized real estate tax rate shall not result in an increase of greater than five percent of the combined total of those taxes from the prior tax year.			
<a href="#"><b>HB 2009</b></a> - <a href="#">Ebbin</a> - Incandescent light bulbs; bans sale or distribution in State, effective July 1, 2010.	<a href="#">(H) Committee on Commerce and Labor</a>	(H) Left in Commerce and Labor	02/10/09
<b>notes:</b> Bans the sale or distribution in the Commonwealth, effective July 1, 2010, of any general purpose incandescent light bulb. The Board of Agriculture and Consumer Services is authorized to adopt regulations to exempt types of light bulbs from the ban if it finds that the ban creates a significant hardship on the user or is unreasonable because of the lack of an adequate substitute. A violation of the ban is a Class 1 misdemeanor.			
<a href="#"><b>HB 2010</b></a> - <a href="#">Ebbin</a> - Paper and plastic bags; imposes fee on those used by purchasers to carry tangible personal property.	<a href="#">(H) Committee on Finance</a>	(H) Left in Finance	02/10/09
<b>notes:</b> 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, and poultry are exempt from the fee. The revenues raised by the fee will be deposited in the Water Quality Improvement Fund.			
<a href="#"><b>HB 2012</b></a> - <a href="#">Ebbin</a> - Appliances, certain; bans sale or distribution in State of any clothes washer, dehumidifer, etc.	<a href="#">(H) Committee on Commerce and Labor</a>	(H) Left in Commerce and Labor	02/10/09
<b>notes:</b> Bans the sale or distribution in the Commonwealth, effective July 1, 2011, of any clothes washer, dehumidifier, dishwasher, refrigerator, or room air conditioner that is designed for residential, non-commercial use, which has not been designated by the United States Environmental Protection Agency and the United States Department of Energy as meeting or exceeding each such agency's requirements under the federal Energy Star program. The Board of Agriculture and Consumer Services is authorized to adopt regulations to exempt appliances from the ban if it finds that the ban creates a significant hardship on the user or is unreasonable because of the lack of an adequate substitute. A violation is a Class 1 misdemeanor.			

<a href="#">HB 2013</a> - <a href="#">Ebbin</a> - Alcoholic mixed beverages; ABC Board to grant annual special events licenses to local governments.	<a href="#">(H) Committee on General Laws</a>	(H) Stricken from docket by General Laws	01/29/09
<a href="#">notes</a> : Permits the Alcoholic Beverage Control Board to grant annual mixed beverage special events licenses to local governments for use in a building owned by a local government and listed on the National Historic Landmarks Survey.			
<a href="#">HB 2014</a> - <a href="#">Ebbin</a> - Alcoholic mixed beverages; ABC Board to grant annual special events licenses to local governments.	<a href="#">(H) Committee on General Laws</a>	(H) Left in General Laws	02/10/09
<a href="#">notes</a> : Permits the Alcoholic Beverage Control Board to grant annual mixed beverage special events licenses to local governments for use in a building owned by a local government and listed on the National Historic Landmarks Survey. The bill also increases from 12 to 16 the number of events in any one year that a mixed beverage limited caterer licensee may sell and serve alcoholic beverages.			
<a href="#">HB 2046</a> - <a href="#">Gear</a> - Unemployment compensation; employees at seasonal establishment shall not be paid benefits.	<a href="#">(H) Committee on Commerce and Labor</a>	(H) Left in Commerce and Labor	02/10/09
<a href="#">notes</a> : Authorizes the Virginia Employment Commission to designate, upon an employer's application, that an employer's establishment is a seasonal establishment that customarily operates only during a regularly occurring period of between 13 and 40 weeks in any 12-month period. Employees at a seasonal establishment shall not be paid unemployment benefits with respect to employment that was performed at a seasonal establishment during the establishment's operating season, if (i) his employment terminated when the establishment's stated operating season expired, (ii) the employer notified the employee prior to commencing employment that he will be performing service in a seasonal establishment, and (iii) the employer posted notices that employees are performing service in a seasonal establishment. Any benefit charges assessable with respect to the employee that are due to other employment will not be the responsibility of the seasonal employer.			
<a href="#">HB 2054</a> - <a href="#">Lohr</a> - Novelty cigarette lighters; prohibiting purchase, distribution, etc. to persons under age of 18.	<a href="#">(H) Committee for Courts of Justice</a>	(H) Incorporated by Courts of Justice (HB2578-Howell, A.T.)	01/30/09
<a href="#">notes</a> : Provides that any person who sells to, distributes to, purchases for or knowingly permits the purchase by any person less than 18 years of age, knowing or having reason to believe that such person is less than 18 years of age, any cigarette lighter that is not readily identifiable as such, is subject to a fine of no more than \$100 and that any person less than 18 years of age who attempts to purchase a cigarette lighter that is not readily identifiable as such is likewise subject to a fine of no more than \$100.			
<a href="#">HB 2076</a> - <a href="#">Oder</a> - Tolls; prohibits imposition & collection of tolls for use of portions of I-64 & I-664.	<a href="#">(H) Committee on Transportation</a>	(H) Left in Transportation	02/10/09

<p><b>notes:</b> Prohibits imposition and collection of tolls for use of (i) Interstate Route 64 between the Virginia Route 143 (Jefferson Avenue) interchange in the City of Newport News and the Hampton Roads Bridge-Tunnel and (ii) Interstate Route 664 between Interstate Route 64 and the Monitor-Merrimac Memorial Bridge-Tunnel.</p>			
<p><b>HB 2087</b> - <a href="#">Melvin</a> - Alcoholic beverages; Class 3 misdemeanor when person permits underage person to consume.</p>	<p><a href="#">(H) Committee for Courts of Justice</a></p>	<p>(H) Left in Courts of Justice</p>	<p>02/10/09</p>
<p><b>notes:</b> Provides that anyone who knowingly permits underage consumption of alcoholic beverages in his dwelling or on his private real property, or who knows that such behavior is occurring but fails to make reasonable efforts to halt it, is guilty of a Class 3 misdemeanor.</p>			
<p><b>HB 2090</b> - <a href="#">Fralin</a> - School calendar; adds to good cause circumstances for which school divisions may be granted waiver.</p>	<p><a href="#">(H) Committee on Education</a></p>	<p>(H) Left in Education</p>	<p>02/10/09</p>
<p><b>notes:</b> 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 that contains one or more schools that have failed to achieve full accreditation status for any of the preceding five years.</p>			
<p><b>HB 2105</b> - <a href="#">McClellan</a> - Electric utility regulation; directs SCC to take into account whether facility consistent.</p>	<p><a href="#">(H) Committee on Commerce and Labor</a></p>	<p>(H) Left in Commerce and Labor</p>	<p>02/10/09</p>
<p><b>notes:</b> 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.</p>			
<p><b>HB 2131</b> - <a href="#">Miller, J.H.</a> - Gang-free zones; established on certain types of public and private property upon petition.</p>	<p><a href="#">(H) Committee for Courts of Justice</a></p>	<p>(H) Left in Courts of Justice</p>	<p>02/10/09</p>
<p><b>notes:</b> Establishes gang-free zones on certain types of public property and on private property upon petition by residents within the zone. Within such zones, criminal gang activity is subject to enhanced criminal penalties.</p>			
<p><b>HB 2137</b> - <a href="#">Miller, J.H.</a> - Outdoor advertising; increases penalties for violation thereof.</p>	<p><a href="#">(H) Committee on Transportation</a></p>	<p>(H) Left in Transportation</p>	<p>02/10/09</p>

notes: Increases penalties for violation of certain provisions of the outdoor advertising requirements from between \$10-\$50 to between \$50-\$250. This increase applies only to violations for which no other penalty is already prescribed.

<a href="#">HB 2153</a> - <a href="#">Rust</a> - BPOL tax; allows towns to levy on any person, firm, etc., in business of renting real property.	<a href="#">(H) Committee on Finance</a>	(H) Left in Finance	02/10/09
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notes: Allows the Towns of Herndon and Leesburg to levy the BPOL tax on any person, firm, or corporation engaging in the business of renting real property.

<a href="#">HB 2161</a> - <a href="#">Toscano</a> - Retail Sales and Use Tax; additional tax authorized in City of Charlottesville & Albemarle County.	<a href="#">(H) Committee on Finance</a>	(H) Left in Finance	02/10/09
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notes: Permits the City of Charlottesville and Albemarle County to impose an additional sales and use tax at a rate not exceeding one percent, provided that all revenue generated from the additional tax is used solely for transit or other transportation projects.

<a href="#">HB 2194</a> - <a href="#">Watts</a> - Motor fuels tax; rate increase used for transportation purposes.	<a href="#">(H) Committee on Finance</a>	(H) Left in Finance	02/10/09
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notes: Increases the motor fuels tax by \$0.10 per gallon, minus \$0.01 for each \$0.20 that the average price of gasoline exceeds \$3.00. The tax will be indexed every two years beginning July 1, 2010, by an amount equal to the percentage change in the U.S. Department of Labor's Producer Price Index for Highway and Street Construction. The revenue generated is used for transportation purposes as required by existing law, and allocates primary system highway construction funds among the nine highway construction districts on the basis of the ratio of vehicle miles traveled on primary highways divided by the lane miles of primary highways in each highway construction district, weighted 90 percent, and a need factor, weighted 10 percent

<a href="#">HB 2205</a> - <a href="#">Frederick</a> - BPOL taxes; repeals local business taxes.	<a href="#">(H) Committee on Finance</a>	(H) Left in Finance	02/10/09
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notes: Repeals local business license (BPOL) taxes.

<a href="#">HB 2249</a> - <a href="#">Barlow</a> - Cigarette tax, local; any county to impose not to exceed \$0.05 per pack or amount levied by State.	<a href="#">(H) Committee on Finance</a>	(H) Left in Finance	02/10/09
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notes: 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.

<a href="#">HB 2315</a> - <a href="#">Carrico</a> - Electric utility rates; deferral of increases.	<a href="#">(H) Committee on Commerce and Labor</a>	(H) Left in Commerce and Labor	02/10/09
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notes: Requires the State Corporation Commission (SCC) to defer a portion of an investor-owned electric utility's increase in residential electric rates or charges if, as a result of the increase, the new residential rates are 15 percent higher than its residential rates in the year preceding the rate increase. The deferred amount is

the revenue that would be collected by the utility over the 36 months following the SCC's order, based on the difference between the new rate and 115 percent of its residential rate in the preceding year. The deferred amount, with interest at a rate set by the SCC, will be recovered from residential retail customers over a three-year period.

<a href="#">HB 2337</a> - <a href="#">Amundson</a> - Health insurance; mandated coverage for amino acid based elemental formulas.	<a href="#">(H) Committee on Commerce and Labor</a>	(H) Tabled in Commerce and Labor	02/05/09
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**notes:** Requires health insurers, health care subscription plans, and health maintenance organizations to provide coverage for the provision of amino acid based elemental formulas for the diagnosis and treatment of Immunoglobulin E and non Immunoglobulin E mediated allergies to multiple food proteins for enrollees under age 10, severe food protein induced enterocolitis syndrome, eosinophilic disorders as evidenced by the results of a biopsy, and impaired absorption of nutrients caused by disorders affecting the absorptive surface, functional length, and motility of the gastrointestinal tract.

<a href="#">HB 2372</a> - <a href="#">Nutter</a> - Electric utility rates; curtailing peak power purchases.	<a href="#">(H) Committee on Commerce and Labor</a>	(H) Left in Commerce and Labor	02/10/09
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**notes:** Directs the State Corporation Commission to promulgate regulations requiring electric utilities to offer electric service to nonresidential customers under a tariff that induces customers to curtail electricity usage during periods when the utility's costs of purchasing electric power rise above their norm as a result of heightened load demand and system congestion. The tariff shall ensure that the utility's costs savings are shared with customers who curtail demand for electric power through reduced rates or charges.

<a href="#">HB 2376</a> - <a href="#">Englin</a> - Estate tax; reinstates federal credit amount State will receive payments from deaths after Jan. 1.	<a href="#">(H) Committee on Finance</a>	(H) Left in Finance	02/10/09
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**notes:** Reinstates the federal credit amount so that the Commonwealth will receive payments from those estates owing federal estate tax, for deaths occurring on or after January 1, 2009. It does exempt estates valued at \$5 million or less, working farms, and closely held businesses. The revenues raised from the tax shall be distributed equally to the Tuition Assistance Grant program, the Virginia Preschool Initiative, and the Healthy Families Virginia program.

<a href="#">HB 2379</a> - <a href="#">Englin</a> - Cigarette tax rate; funding education and Medicaid.	<a href="#">(H) Committee on Finance</a>	(H) Left in Finance	02/10/09
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**notes:** Increases the cigarette tax by \$0.89 per pack (from \$0.30 cents per pack to \$1.19 per pack). Of the \$0.89 increase, the additional revenue attributable to \$0.30 is dedicated to funding for the Medicaid program, and (ii) the increase in revenue attributable to the remaining \$0.59 is dedicated to funding for public schools.

<a href="#">HB 2383</a> - <a href="#">Scott, J.M.</a> - Tax and fee discounts and allowances; eliminates dealer tax and fee discounts and allowances.	<a href="#">(H) Committee on Appropriations</a>	(H) Left in Appropriations	02/10/09
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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.

<a href="#">HB 2389</a> - <a href="#">Brink</a> - Cigarette tax and tobacco products tax; increased.	<a href="#">(H) Committee on Finance</a>	(H) Left in Finance	02/10/09
<a href="#">notes</a> : Increases the state cigarette tax from 1.5 cents per cigarette to 3 cents per cigarette, adds a \$0.25 per ounce tax on each can or package of moist snuff, and eliminates the stamping agent discount and the dealer discount.			
<a href="#">HB 2440</a> - <a href="#">Poisson</a> - Alcoholic beverage control; privatization of ABC stores.	<a href="#">(H) Committee on General Laws</a>	(H) Left in General Laws	02/10/09
<a href="#">notes</a> : 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 dispose of 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, 2009, on how it will privatize government stores. The bill has a delayed effective date of January 1, 2010, to achieve full retail privatization of government stores. The bill provides that persons holding a retail off-premises wine and beer license are eligible to obtain a package store license. The bill contains numerous technical amendments.			
<a href="#">HB 2443</a> - <a href="#">Melvin</a> - Zoning ordinances; restrictions on ABC licenses in City of Portsmouth.	<a href="#">(H) Committee on Counties, Cities and Towns</a>	(H) Stricken from docket by Counties, Cities and Towns	02/06/09
<a href="#">notes</a> : Provides that the City of Portsmouth may impose a condition upon any special use permit issued after July 1, 2009, relating to retail alcoholic beverage control licensees, which provides that such special use permit will be subject to an automatic review by the governing body upon a change of ownership of the property, a change in possession, or a transfer of majority control of the business entity.			
<a href="#">HB 2522</a> - <a href="#">Nichols</a> - Health insurance plan for state employees; coverage for employees of small employers.	<a href="#">(H) Committee on General Laws</a>	(H) Stricken from docket by General Laws	02/05/09
<a href="#">notes</a> : Permits employers with 50 or fewer employees to apply for coverage under the health insurance plan for state employees. The premiums and an administrative costs are payable by the participating employer or its eligible employees.			
<a href="#">HB 2588</a> - <a href="#">Englin</a> - Individual income, corporate income, and sales and use taxes; restructuring various taxes.	<a href="#">(H) Committee on Finance</a>	(H) Left in Finance	02/10/09
<a href="#">notes</a> : Removes the remaining portion of the state sales and use tax (one and one-half percent) from food for human consumption (effective July 1, 2010), 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, 2010.			
The changes in the individual income tax brackets are as follows:			
In Excess Of But No More Than Tax Rate			

\$17,000 \$75,000 5.6% (decrease)

\$75,000 \$400,000 5.75% (same as current law)

\$400,000 6.85% (increase)

<b>SB 916</b> - <a href="#">Stuart</a> - Fees in civil cases; increases fee for filing in general district court and in circuit court.	<a href="#">(S) Committee for Courts of Justice</a>	(S) Passed by indefinitely in Courts of Justice (12-Y 3-N)	01/21/09
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**notes:** Increases the fee for filing any civil action in general district court to \$100 (currently \$27); and increases the fees for filing a civil action in circuit court to a sliding scale (currently, between \$60 and \$160): in cases seeking recovery up to \$50,000 - fee is \$150; up to \$100,000 - \$200; up to \$250,000 - \$300; up to \$500,000 - \$400; up to \$1,000,000 - \$500; and above \$1,000,000 - \$750.

<b>SB 921</b> - <a href="#">Reynolds</a> - Health insurance; eliminates all mandated benefits from inclusion in individual policies.	<a href="#">(S) Committee on Commerce and Labor</a>	(S) Left in Commerce and Labor	02/10/09
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**notes:** Eliminates all mandated benefits from inclusion in individual health insurance policies.

<b>SB 964</b> - <a href="#">Blevins</a> - Health insurance; requires health insurer, etc., to calculate amount based on actual charge.	<a href="#">(S) Committee on Commerce and Labor</a>	(S) Passed by indefinitely in Commerce and Labor (11-Y 0-N)	01/26/09
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**notes:** Requires a health insurer, health services plan, or health maintenance organization, when calculating the coinsurance obligation or other percentage of the cost of covered services provided to its insured, subscriber, or enrollee, to calculate the amount based on an amount not to exceed the provider's actual charge for the service when (i) the health insurer, health services plan, or health maintenance organization has agreed to pay the provider a fixed rate or charge for the covered service without regard to the provider's actual charge for the service and (ii) the provider's actual charge for the service is less than the fixed rate or charge for the covered service that the insurer, health services plan, or health maintenance organization has agreed to pay to the provider. In addition, persons covered under a managed care health insurance plan shall not be liable to the provider for any amount, other than any required copayment, in excess of the specified percentage of the cost of the covered service that is calculated based upon an amount not to exceed the provider's actual charge for the service provided to the covered person. Currently, a health insurer, health services plan, or health maintenance organization is required to calculate such amount based upon an amount that does not exceed the amount paid or payable to the provider.

<b>SB 971</b> - <a href="#">Blevins</a> - Plastic bags; requires that certain stores provide on-premises recycling, therefor.	<a href="#">(S) Committee on Agriculture, Conservation and Natural Resources</a>	(S) Stricken at request of Patron in Agriculture, Conservation and Natural Resources (14-Y 0-N)	01/19/09
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**notes:** Requires that, effective January 1, 2010, certain stores provide on-premises recycling for plastic bags. Stores that are part of a chain or occupy more than 5,000 square feet and distribute plastic bags to consumers must provide reusable bags for sale and take back and recycle used plastic bags. If requested by a store

owner, the manufacturer of plastic bags must offer to arrange for the transportation and recycling services. Any violation is punishable by a civil penalty of up to \$100.

<a href="#">SB 976</a> - <a href="#">Stuart</a> - Basic health benefit plans; requires health insurer, etc., to offer to eligible individuals.	<a href="#">(S) Committee on Commerce and Labor</a>	(S) Passed by indefinitely in Commerce and Labor (11-Y 0-N)	01/26/09
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**notes:** Requires every health insurer, health maintenance organization, and corporation providing accident and sickness subscription contracts, as a condition of transacting business in Virginia, to offer to eligible individuals a basic health benefit plan. Eligible individuals are residents of the Commonwealth that have a family income that does not exceed 150 percent of the federal poverty level, have not been insured within the preceding six months, and are not eligible for coverage under certain government-sponsored health plans. Coverage under a basic health insurance policy provides benefits of at least 75 percent of necessary, reasonable, and customary charges for medical care, including hospitalization, surgery, physician services, emergency services, diagnostic tests, with a minimum annual deductible of \$5,000 for the eligible individual and \$10,000 for the eligible individual and dependent coverage, with maximum annual amount out-of-pocket limits for co-payments, co-insurance, deductibles, and other cost-sharing arrangement of \$10,000 for the eligible individual and \$20,000 for the eligible individual and dependents, and with maximum lifetime benefits of at least \$1 million. Such a policy will not provide benefits for routine physician visits, prescription drugs, or dental treatment, or for any mandated benefit.

<a href="#">SB 984</a> - <a href="#">Wagner</a> - Chesapeake Bay Preservation Act; stormwater regulations.	<a href="#">(S) Committee on Agriculture, Conservation and Natural Resources</a>	(S) Stricken at request of Patron in Agriculture, Conservation and Natural Resources (15-Y 0-N)	02/02/09
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**notes:** Requires that the Chesapeake Bay Local Assistance Board adopt regulations that treat swimming pools and any other impoundments of surface waters, including fountains and retention ponds, as permeable surfaces for the purposes of stormwater management.

<a href="#">SB 988</a> - <a href="#">Colgan</a> - Voting equipment; locality that acquired DREs prior to 7-1-07 may temporarily conduct election.	<a href="#">(S) Committee on Privileges and Elections</a>	(S) Read third time and passed Senate (40-Y 0-N)	02/09/09
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<a href="#">SB 1002</a> - <a href="#">Quayle</a> - Indoor Clean Air Act; localities to adopt ordinances containing standards, etc. relating to smoking.	<a href="#">(H) Committee on General Laws</a>	(H) Incorporated by General Laws (SB1105-Northam)	02/06/09
	<a href="#">(S) Committee on Education and Health</a>		

**notes:** Allows localities to adopt ordinances containing standards or provisions relating to smoking in restaurants that meet or exceed those established in the Virginia Indoor clean Air Act.

<a href="#">SB 1018</a> - <a href="#">Miller, J.C.</a> - Hampton Roads Transportation Authority; taxes, fees, etc. dedicated to financing its operation.	<a href="#">(S) Committee on Transportation</a>	(S) Read third time and passed Senate (40-Y 0-N)	02/03/09
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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.

<a href="#">SB 1057</a> - <a href="#">Whipple</a> - Smoke Free Air Act; smoking in public places, civil penalties.	<a href="#">(H) Committee on General Laws</a> <a href="#">(S) Committee on Education and Health</a>	(H) Incorporated by General Laws (SB1105-Northam)	02/06/09
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**notes:** Moves the law restricting smoking in buildings and other enclosed areas from the title relating to local government (15.2) to the title relating to health (32.1) and prohibits smoking indoors in most buildings or enclosed areas frequented by the public. Exceptions are provided for (i) private homes, private residences, private automobiles, and home-based businesses, unless used in conjunction with a licensed child care, adult day care, or health care facility; (ii) private clubs, except when being used for functions attended by persons other than members and invited guests; (iii) hotel or motel rooms designated as smoking rooms that are offered for rent to the public; (iv) specialty tobacco stores; (v) tobacco manufacturers; and (vi) private and semiprivate rooms in nursing homes and long-term care facilities. The bill requires the posting of "No Smoking" signs inside and at the entrances of areas where smoking is prohibited. Any person who continues to smoke in an area in which smoking is prohibited will be subject to a civil penalty of not more than \$100 for the first offense, and \$250 for subsequent offenses. Failure to comply with the smoking restrictions will subject proprietors to a \$200 civil penalty for the first offense and \$500 for subsequent offenses.

<a href="#">SB 1266</a> - <a href="#">Vogel</a> - School calendar; local school boards responsible for setting and eliminates post-Labor Day opening.	<a href="#">(S) Committee on Commerce and Labor</a>	(S) Left in Commerce and Labor	02/10/09
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**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 might grant waivers of this requirement.

<a href="#">SB 1272</a> - <a href="#">Vogel</a> - Tax and fee legislation; requires sunset dates on all and on those existing that are increased.	<a href="#">(S) Committee on Rules</a>	(S) Passed by indefinitely in Rules (17-Y 0-N)	02/06/09
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**notes:** Requires a sunset date on all bills that add new taxes or fees or increase the rate of existing taxes or fees. The sunset dates would be required for both state and local tax or fee bills.

<b>Bills</b>	<b>Committee</b>	<b>Last action</b>	<b><u>Date</u></b>
<a href="#">SB 1272</a> - <a href="#">Vogel</a> - Tax and fee legislation; requires sunset dates on all and on those existing that are increased.	<a href="#">(S) Committee on Rules</a>	(S) Passed by indefinitely in Rules (17-Y 0-N)	02/06/09
<b>notes:</b> Requires a sunset date on all bills that add new taxes or fees or increase the rate of existing taxes or fees. The sunset dates would be required for both state and local tax or fee bills.			
<a href="#">SB 1273</a> - <a href="#">Vogel</a> - Electric utility regulation; SCC to determine rates of	<a href="#">(S) Committee on Commerce and Labor</a>	(S) Passed by indefinitely in Commerce and Labor	01/26/09

investor-owned electric utilities.		(11-Y 0-N)	
<p><u>notes</u>: Revises the procedures for setting the rates of investor-owned electric utilities. The State Corporation Commission (SCC) shall determine rates, for each investor-owned incumbent utility, that are just, reasonable, and nondiscriminatory. Proceedings shall be governed by the provisions of Chapter 10 of Title 56 and shall provide fair rates of return on common equity applicable to the generation and distribution services of the utility. The SCC may use any methodology to determine rates of return it finds is consistent with the public interest. In subsequent biennial reviews, the SCC may order changes in the utility's rates to ensure that such rates continue to be just, reasonable and nondiscriminatory. Rates, terms and conditions for each service shall be reviewed separately on an unbundled basis, and such reviews shall be conducted in a single, combined proceeding. In the initial rate proceeding, the SCC is required to direct each incumbent electric utility to refund to retail customers the amount by which its actual stranded cost recoveries under capped rates exceeded the stranded costs actually incurred by the utility, which refunds shall be based on customer usage in 2008. Provisions applicable to rate caps shall not be applicable to incumbent electric utilities after the SCC's establishment of new rates. The measure repeals provisions that (i) established parameters in setting the rate of return on equity, (ii) authorize utilities to seek rate adjustment clauses for specific costs on a stand-alone basis, (iii) direct the SCC to approve an enhanced rate of return for certain generation facilities, and (iv) establish various other checks on the utility's rates.</p>			
<b><u>SB 1274</u></b> - <u>Vogel</u> - Health insurance; business practices.	<a href="#">(S) Committee on Commerce and Labor</a>	(S) Left in Commerce and Labor	02/10/09
<p><u>notes</u>: Prohibits the issuance, delivery, sale, or negotiation of an accident and sickness insurance policy, subscription contract for a health services plan, or health care plan, which provides for premiums to be paid on a monthly or other period basis, to require that the policyholder pay premiums in advance for future periods, as a condition to reinstatement of the policy, contract, or plan. Issuers of such policies, contracts, or plans shall not refuse to permit a policyholder to reinstate a policy, contract, or plan on the basis of the policyholder's claims experience or history of premium payments. The measure also requires that individual and group health policies, contracts, and plans include a grace period of not less than 90 days for the payment of any premium, except for the first premium.</p>			
<b><u>SB 1283</u></b> - <u>Newman</u> - Motor fuels tax; change in tax basis.	<a href="#">(S) Committee on Finance</a>	(S) Stricken at request of Patron in Finance (16-Y 0-N)	02/03/09
<p><u>notes</u>: Replaces \$0.05 per gallon of the current fuels tax on gasoline, gasohol, and diesel fuel with a cents-per-gallon tax equal to five percent of the statewide average wholesale price of a gallon of self-serve unleaded regular gasoline. The change to the fuels tax rate would only occur if the statewide weekly average wholesale price of a gallon of self-serve unleaded regular gasoline falls below \$0.99 per gallon.</p>			
<b><u>SB 1341</u></b> - <u>Lucas</u> - Alcoholic beverages; Class 3 misdemeanor when person permits underage person to consume.	<a href="#">(S) Committee for Courts of Justice</a>	(S) Stricken at the request of Patron in Courts of Justice (14-Y 0-N)	02/04/09
<p><u>notes</u>: Provides that anyone who knowingly permits underage consumption of alcoholic beverages in</p>			

his dwelling or on his private real property, or who knows that such behavior is occurring but fails to make reasonable efforts to halt it, is guilty of a Class 3 misdemeanor.

[SB 1382](#) - [Stolle](#) - Smoking in restaurants; creates a statewide ban thereon.

[\(S\) Committee on Education and Health](#)

(S) Left in Education and Health (15-Y 0-N)

02/05/09

notes: Creates a statewide ban on smoking in restaurants, sets out exceptions to this ban, and provides for civil penalties for violation. The bill contains technical amendments.

[SB 1422](#) - [Stolle](#) - Crimes, several; penalties.

[\(S\) Committee for Courts of Justice](#)

(S) Failed to report (defeated) in Courts of Justice (7-Y 7-N 1-A)

02/09/09

notes: Creates a new class of misdemeanor, called an %93aggravated misdemeanor%94, allowing for up to two years of incarceration and/or a fine of up to \$2,500, for crimes including, but not limited to, larceny offenses between \$200 and \$500, second offense petit larceny, second offense of a violation of a protective order within five years, recruiting another into a street gang, assault and battery hate crimes, assault and battery of school personnel, second offense domestic assault, second offense stalking, second offense DUI crimes, third offense of driving on a suspended sentence, and driving after having been declared an habitual defendant. The bill also creates the crime of conspiracy to commit petit larceny and allowing for the amount of all goods stolen pursuant to such a conspiracy to be aggregated for any six-month period. Multijurisdictional grand juries are empowered to investigate and issue indictments for grand larceny and conspiracy to commit larceny. The bill adds larceny to the offenses that comprise a %93predicate criminal act%94 as for the purposes of criminal gang activity and raises the threshold amount for grand larceny from \$200 to \$500.

[SB 1474](#) - [McEachin](#) - Retail Sales and Use Tax; dealer discounts.

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

(S) Stricken at request of Patron in Finance (16-Y 0-N)

02/03/09

notes: Provides a dealer discount of local sales taxes to registered dealers using software designed to more accurately allocate local sales taxes to counties and cities. The Department of Taxation would be required to certify the software. The aggregate discount of local sales taxes that could be taken by the dealer would not exceed the purchase price of the certified software.