

MONDAY, FEBRUARY 1, 2010

The Senate met at 12 m. and was called to order by Lieutenant Governor William T. Bolling.

The Reverend Robert L. Banse, Jr., Trinity Episcopal Church, Upperville, Virginia, offered the following prayer:

Almighty God,

We give You thanks for the gift of this day and the opportunity to serve the common good. We humbly ask that we may always prove ourselves to be a people mindful of Your favor and glad to serve You. Bless our land with honorable industry, sound learning, and a gentle concern for each other. Save us from violence, discord, and confusion, from pride, arrogance, and every evil way. Defend our liberties and fashion us into one united people. We ask especially this day that You grant to these Senators of the General Assembly of the Commonwealth of Virginia, the wisdom and strength to know and to do Your will. Fill them with the love of truth and righteousness and make them ever mindful of their calling to serve Your people with Your compassion and grace.

And even as we pray for our Commonwealth, we are mindful of the great needs of our sisters and brothers around the world. We remember before You the people of Haiti and all who suffer. Help us to help them as best we can.

We also remember today all those whom we know to be sick or troubled in mind, body, or spirit. We ask that You be with them, lift them up, and encourage them.

We pray this in Your name; the One who creates, redeems, and sanctifies the lives we share. Amen.

The roll was called and the following Senators answered to their names:

Barker, Blevins, Colgan, Deeds, Edwards, Hanger, Herring, Houck, Howell, Hurt, Lucas, Marsden, Marsh, Martin, McDougale, McEachin, McWaters, Miller, J.C., Newman, Norment, Northam, Obenshain, Puckett, Puller, Quayle, Ruff, Saslaw, Smith, Stosch, Stuart, Ticer, Vogel, Wagner, Wampler, Watkins, Whipple.

A quorum was present.

After the roll call, Senators Locke, Miller, Y.B., Petersen, and Reynolds notified the Clerk of their presence.

On motion of Senator Deeds, the reading of the Journal was waived.

The recorded vote is as follows:

YEAS--39. NAYS--0. RULE 36--0.

YEAS--Barker, Blevins, Colgan, Deeds, Edwards, Hanger, Herring, Houck, Howell, Hurt, Lucas, Marsden, Marsh, Martin, McDougale, McEachin, McWaters, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Obenshain, Petersen, Puckett, Puller, Quayle, Reynolds, Ruff, Saslaw, Smith, Stosch, Stuart, Ticer, Vogel, Wagner, Wampler, Watkins, Whipple--39.

NAYS--0.

RULE 36--0.

HOUSE COMMUNICATION

The following communication was received:

In the House of Delegates
January 29, 2010

THE HOUSE OF DELEGATES HAS PASSED THE FOLLOWING HOUSE BILLS:

- H.B. 41.** A BILL to authorize the Treasury Board to issue bonds pursuant to Article X, Section 9 (c) of the Constitution of Virginia in an amount up to \$206,870,000 plus financing costs, to finance revenue-producing capital projects at institutions of higher learning of the Commonwealth.
- H.B. 48.** A BILL to amend and reenact § 2.2-2712 of the Code of Virginia, relating to the composition of the Debt Capacity Advisory Committee.
- H.B. 85.** A BILL to amend the Code of Virginia by adding in Article 8.2 of Chapter 2 of Title 32.1 a section numbered 32.1-69.4 and by adding a section numbered 54.1-2403.02, relating to information about umbilical cord blood.
- H.B. 173.** A BILL to amend and reenact §§ 32.1-48.016 and 54.1-3408 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 32.1-42.2, relating to administration and dispensing of necessary drugs by emergency medical services personnel.
- H.B. 267.** A BILL to amend and reenact §§ 54.1-2983 and 54.1-2995 of the Code of Virginia, as they may become effective, relating to notification of the Advance Health Care Directive Registry.
- H.B. 286.** A BILL to amend and reenact § 54.1-3303 of the Code of Virginia, relating to treatment of infectious disease.
- H.B. 297.** A BILL to amend the Code of Virginia by adding in Article 5 of Chapter 9 of Title 15.2 a section numbered 15.2-980, relating to noise ordinance violations.
- H.B. 443.** A BILL to amend and reenact §§ 63.2-1300 through 63.2-1303 of the Code of Virginia, relating to adoption assistance.
- H.B. 567.** A BILL to amend and reenact § 2.2-4305 of the Code of Virginia, relating to the Virginia Public Procurement Act; state-aid construction projects.
- H.B. 620.** A BILL to amend and reenact § 4.1-119 of the Code of Virginia, relating to alcoholic beverage control; agents of the Alcoholic Beverage Control Board.
- H.B. 662.** A BILL to amend and reenact §§ 54.1-2400, 54.1-2408, and 54.1-2409 of the Code of Virginia, relating to disciplinary authority of health regulatory boards.
- H.B. 753.** A BILL to amend and reenact § 4.1-315 of the Code of Virginia, relating to alcoholic beverage control; possession without a license; exemptions.
- H.B. 953.** A BILL to amend and reenact §§ 54.1-3448, 54.1-3450, 54.1-3452, and 54.1-3454 of the Code of Virginia, relating to Schedule II, Schedule III, Schedule IV, and Schedule V drugs.

THE HOUSE OF DELEGATES HAS AGREED TO THE FOLLOWING HOUSE JOINT RESOLUTIONS:

- H.J.R. 133.** Requesting the State Health Commissioner to promote and emphasize yearly mammograms as an effective tool in breast cancer prevention. Report.

H.J.R. 134. Continuing the Joint Subcommittee to Study the Transportation Network of Hampton Roads. Report.

H.J.R. 135. Continuing the Joint Subcommittee to Study Development and Land Use Tools in Virginia's Localities. Report.

H.J.R. 163. Celebrating the life of Alexander Victor Kissal.

H.J.R. 172. Celebrating the life of Marcus Pinson Neal, Jr., M.D.

H.J.R. 173. Celebrating the life of L. Clarke Jones, Jr.

H.J.R. 174. Celebrating the life of Elizabeth Harding LeRoy.

H.J.R. 175. Celebrating the life of Dr. Everette Lee May.

H.J.R. 176. Celebrating the life of Robert N. Twigg.

H.J.R. 177. Commending the Virginia Capital Trail Foundation.

H.J.R. 178. Commending Ryan Krank.

H.J.R. 179. Commending Pete T. Twisdale II.

H.J.R. 180. Commending the Insurance Institute for Highway Safety on the occasion of its 50th anniversary.

H.J.R. 181. Commending the Town of Boyce on the occasion of its 100th anniversary.

H.J.R. 182. Recognizing the important contributions of philanthropy and private foundations and encouraging the formation and creation of these entities in the Commonwealth of Virginia.

H.J.R. 184. Celebrating the life of E. Alvin Small.

H.J.R. 185. Celebrating the life of Sergeant Dale Russel Griffin.

H.J.R. 186. Commending Titan America.

H.J.R. 187. Commending the Mills E. Godwin High School boys' tennis team.

H.J.R. 188. Commending the Mills E. Godwin High School girls' tennis team.

H.J.R. 189. Commending the Cold War Museum.

H.J.R. 190. Designating April 9, in 2010 and in each succeeding year, as Teen Organ Donation Awareness Day in Virginia.

H.J.R. 194. Celebrating the life of the Honorable Robert James Smith.

H.J.R. 196. Commending the Chesapeake Bioscience Education Foundation.

THE HOUSE OF DELEGATES HAS AGREED TO THE FOLLOWING SENATE JOINT RESOLUTIONS:

S.J.R. 2. Commending Sean Fleming.

S.J.R. 5. Celebrating the life of Harriet Nachman Storm.

S.J.R. 22. Celebrating the life of Jack R. Lilienthal, Sr.

S.J.R. 28. Celebrating the life of David Kenneth Lisk.

S.J.R. 33. Celebrating the life of Bernard Joseph Natkin.

S.J.R. 37. Celebrating the life of Woodley J. Koonce III.

S.J.R. 38. Commending W. Randolph Nichols.

S.J.R. 39. Celebrating the life of Clifton A. Bernard.

S.J.R. 40. Celebrating the life of Nathan T. Hardee.

S.J.R. 41. Commending the Northside High School football team.

S.J.R. 43. Celebrating the life of Colonel, USA Ret., Quintus Cincinnatus Atkinson V.

S.J.R. 44. Commending the League of Women Voters of Virginia on the occasion of its 90th anniversary.

S.J.R. 47. Commending William A. Garrett.

S.J.R. 48. Commending Maureen F. Ribble.

S.J.R. 49. Celebrating the life of Joseph William Minter.

S.J.R. 56. Commending Lester L. Burnett.

S.J.R. 57. Celebrating the life of Frank K. Batten, Sr.

S.J.R. 58. Celebrating the life of George Washington Warden, Sr.

S.J.R. 59. Celebrating the life of the Reverend Dr. Samuel L. Varner.

S.J.R. 60. Celebrating the life of Geraldine Elizabeth Gatlin Smith.

S.J.R. 61. Celebrating the life of Rudolph T. Gordon.

S.J.R. 66. Commending Charles D. Crowson, Jr.

S.J.R. 70. Commending Frank Les Sisson.

S.J.R. 71. Commending Sheriff Charles E. Jett and the Stafford County Sheriff's Office.

S.J.R. 72. Commending Stanley Schoppe and the Montross Dairy Freeze on the occasion of their 40th anniversary.

S.J.R. 76. Commending Vector Industries, Inc., on the occasion of its 40th anniversary.

S.J.R. 77. Commending the Virginia Resources Authority on the occasion of its 25th anniversary.

S.J.R. 78. Celebrating the life of William Michaux Sydnor, Sr.

S.J.R. 79. Celebrating the life of the Reverend James H. Alsop.

S.J.R. 82. Commending Jacqueline and Frederick J. Napolitano, Sr.

S.J.R. 83. Celebrating the life of Sergeant Lawrence T. Parker.

S.J.R. 102. Commending Wright to Read on the occasion of its 30th anniversary.

IN WHICH ACTION IT REQUESTS THE CONCURRENCE OF THE SENATE.

/s/ Bruce F. Jamerson
Clerk, House of Delegates

On motion of Senator Saslaw, the Rules were suspended and the reading of the communication from the House of Delegates was waived.

The recorded vote is as follows:

YEAS--40. NAYS--0. RULE 36--0.

YEAS--Barker, Blevins, Colgan, Deeds, Edwards, Hanger, Herring, Houck, Howell, Hurt, Locke, Lucas, Marsden, Marsh, Martin, McDougale, McEachin, McWaters, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Obenshain, Petersen, Puckett, Puller, Quayle, Reynolds, Ruff, Saslaw, Smith, Stosch, Stuart, Ticer, Vogel, Wagner, Wampler, Watkins, Whipple--40.

NAYS--0.

RULE 36--0.

The House bills communicated as passed by the House of Delegates, the first reading of their titles required by the Constitution having been dispensed with, were referred as follows:

H.B. 41 and **H.B. 48** were referred to the Committee on Finance.

H.B. 85, H.B. 173, H.B. 267, H.B. 286, H.B. 662, and H.B. 953 were referred to the Committee on Education and Health.

H.B. 297 was referred to the Committee on Local Government.

H.B. 443, H.B. 620, and H.B. 753 were referred to the Committee on Rehabilitation and Social Services.

H.B. 567 was referred to the Committee on General Laws and Technology.

The House joint resolutions, communicated as agreed to by the House of Delegates, the first reading of their titles having been waived, were referred as follows:

H.J.R. 133, H.J.R. 134, H.J.R. 135, H.J.R. 182, and H.J.R. 190 were referred to the Committee on Rules.

The House joint resolutions, communicated as agreed to by the House of Delegates, were laid on the Clerk's Desk under Senate Rule 26 (g) as follows:

H.J.R. 163, H.J.R. 172, H.J.R. 173, H.J.R. 174, H.J.R. 175, H.J.R. 176, H.J.R. 177, H.J.R. 178, H.J.R. 179, H.J.R. 180, H.J.R. 181, H.J.R. 184, H.J.R. 185, H.J.R. 186, H.J.R. 187, H.J.R. 188, H.J.R. 189, H.J.R. 194, and H.J.R. 196.

COMMUNICATION

The following communication was received:

COMMONWEALTH OF VIRGINIA
Office of the Governor

February 1, 2010

The Honorable Susan Clarke Schaar
Clerk, Virginia Senate
State Capitol, 3rd Floor
Richmond, Virginia 23219

TO THE SENATE OF VIRGINIA:

Pursuant to the provisions of Article V, Section 5 of the Constitution of Virginia and of House Joint Resolution No. 9, I hereby request the introduction and consideration of:

A bill to amend the Code of Virginia by adding in Chapter 25 of Title 58.1 an article numbered 3, consisting of sections numbered 58.1-2532 through 58.1-2551, relating to tax credits against the state license tax on certain insurance companies.

Sincerely,

/s/ Robert F. McDonnell
Governor

[Subsequently, the bill, numbered **S.B. 733**, was presented, ordered to be printed, and referred under House Joint Resolution No. 9 and Senate Rule 11 (b).]

COMMITTEE REPORTS

The following bills, having been considered by the committee in session, were reported by Senator Ticer from the Committee on Agriculture, Conservation and Natural Resources:

S.B. 47 (forty-seven).

S.B. 347 (three hundred forty-seven) with substitute.

S.B. 395 (three hundred ninety-five) with substitute.

S.B. 558 (five hundred fifty-eight) with amendment.

S.B. 559 (five hundred fifty-nine) with amendments.

- S.B. 561** (five hundred sixty-one) with substitute.
S.B. 614 (six hundred fourteen) with substitute.
S.B. 627 (six hundred twenty-seven) with substitute.
S.B. 659 (six hundred fifty-nine).
S.B. 668 (six hundred sixty-eight).
S.B. 708 (seven hundred eight) with amendments.
S.B. 726 (seven hundred twenty-six).

The following bills, having been considered by the committee in session, were reported by Senator Marsh from the Committee for Courts of Justice:

- S.B. 25** (twenty-five) with substitute.
S.B. 96 (ninety-six).
S.B. 107 (one hundred seven) with substitute.
S.B. 162 (one hundred sixty-two) with amendment.
S.B. 532 (five hundred thirty-two) with amendment.
S.B. 580 (five hundred eighty) with substitute.
S.B. 635 (six hundred thirty-five) with amendment.

The following bill, having been considered by the committee in session, was recommended for rereferral by the Committee for Courts of Justice:

S.B. 415 (four hundred fifteen) with the recommendation that it be rereferred to the Committee on Rehabilitation and Social Services.

S.B. 415 was rereferred to the Committee on Rehabilitation and Social Services.

INTRODUCTION OF LEGISLATION

Pursuant to the provisions of House Joint Resolution No. 9 and Senate Rule 26 (g), Senator Northam introduced a joint resolution; subsequently, the following was presented and laid on the Clerk's Desk:

S.J.R. 155. Celebrating the life of Thomas Chandler Northam.

Patrons--Northam; Delegate: Lewis

Pursuant to the provisions of House Joint Resolution No. 9 and Senate Rule 11 (b), at the request of the Governor, the following bill was presented, ordered to be printed, and referred:

S.B. 733. A BILL to amend the Code of Virginia by adding in Chapter 25 of Title 58.1 an article numbered 3, consisting of sections numbered 58.1-2532 through 58.1-2551, relating to tax credits against the state license tax on certain insurance companies.

Patrons--McWaters, Vogel, Blevins, Martin, Norment and Obenshain

Referred to Committee on Finance

Pursuant to the provisions of House Joint Resolution No. 9 and Senate Rule 26 (g), Senator Locke introduced a joint resolution; subsequently, the following was presented and laid on the Clerk's Desk:

S.J.R. 156. Celebrating the life of Theodore Edward BaCote, Jr.

Patrons--Locke, Barker, Blevins, Colgan, Deeds, Edwards, Hanger, Herring, Houck, Howell, Hurt, Lucas, Marsden, Marsh, Martin, McDougle, McEachin, McWaters, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Obenshain, Petersen, Puckett, Puller, Quayle, Reynolds, Ruff, Saslaw, Smith, Stosch, Stuart, Ticer, Vogel, Wagner, Wampler, Watkins and Whipple

Pursuant to the provisions of House Joint Resolution No. 9 and Senate Rule 26 (g), Senator Houck introduced joint resolutions; subsequently, the following were presented and laid on the Clerk's Desk:

S.J.R. 157. Commending Khalil Hassan.

Patrons--Houck; Delegate: Scott, E.T.

S.J.R. 158. Commending John R. Henry.

Patrons--Houck; Delegate: Scott, E.T.

Pursuant to the provisions of House Joint Resolution No. 9 and Senate Rule 26 (g), Senator Deeds introduced a joint resolution; subsequently, the following was presented and laid on the Clerk's Desk:

S.J.R. 159. Celebrating the life of John Graves Sanders.

Patrons--Deeds and Wampler

CALENDAR

SENATE BILLS ON THIRD READING

Senator Saslaw moved that the following Senate bills, the titles of the bills having been printed in the Calendar for their third reading as required by Article IV, Section 11, of the Constitution, be placed before the Senate by number only:

S.B. 217 (two hundred seventeen).

S.B. 12 (twelve).

S.B. 31 (thirty-one).

S.B. 49 (forty-nine).

S.B. 50 (fifty).

S.B. 51 (fifty-one).

S.B. 61 (sixty-one).

S.B. 129 (one hundred twenty-nine).

S.B. 182 (one hundred eighty-two).

S.B. 252 (two hundred fifty-two).

S.B. 308 (three hundred eight).

S.B. 313 (three hundred thirteen).

S.B. 318 (three hundred eighteen).

S.B. 322 (three hundred twenty-two).

S.B. 431 (four hundred thirty-one).

S.B. 449 (four hundred forty-nine).

S.B. 452 (four hundred fifty-two).

S.B. 496 (four hundred ninety-six).

S.B. 497 (four hundred ninety-seven).

S.B. 503 (five hundred three).

S.B. 572 (five hundred seventy-two).

S.B. 594 (five hundred ninety-four).

S.B. 624 (six hundred twenty-four).

S.B. 661 (six hundred sixty-one).

The motion was agreed to.

Senator Saslaw moved that the passage of the Senate bills that follow be considered en bloc.

The motion was agreed to.

On motion of Senator Saslaw, the following Senate bills were passed en bloc with their titles:

S.B. 217 (two hundred seventeen).

S.B. 12 (twelve).

S.B. 31 (thirty-one).

S.B. 49 (forty-nine).

S.B. 50 (fifty).

S.B. 51 (fifty-one).

S.B. 61 (sixty-one).

S.B. 129 (one hundred twenty-nine).

S.B. 252 (two hundred fifty-two).

S.B. 308 (three hundred eight).

S.B. 313 (three hundred thirteen).

S.B. 318 (three hundred eighteen).

S.B. 322 (three hundred twenty-two).

S.B. 431 (four hundred thirty-one).

S.B. 449 (four hundred forty-nine).

S.B. 452 (four hundred fifty-two).

S.B. 496 (four hundred ninety-six).

S.B. 497 (four hundred ninety-seven).

S.B. 503 (five hundred three).

S.B. 572 (five hundred seventy-two).

S.B. 594 (five hundred ninety-four).

S.B. 624 (six hundred twenty-four).

S.B. 661 (six hundred sixty-one).

The recorded vote is as follows:

YEAS--40. NAYS--0. RULE 36--0.

YEAS--Barker, Blevins, Colgan, Deeds, Edwards, Hanger, Herring, Houck, Howell, Hurt, Locke, Lucas, Marsden, Marsh, Martin, McDougale, McEachin, McWaters, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Obenshain, Petersen, Puckett, Puller, Quayle, Reynolds, Ruff, Saslaw, Smith, Stosch, Stuart, Ticer, Vogel, Wagner, Wampler, Watkins, Whipple--40.

NAYS--0.

RULE 36--0.

S.B. 182 (one hundred eighty-two), on motion of Senator Stosch, was passed with its title.

The recorded vote is as follows:

YEAS--39. NAYS--1. RULE 36--0.

YEAS--Barker, Blevins, Colgan, Deeds, Edwards, Hanger, Herring, Houck, Howell, Hurt, Locke, Lucas, Marsden, Marsh, Martin, McDougale, McEachin, McWaters, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Petersen, Puckett, Puller, Quayle, Reynolds, Ruff, Saslaw, Smith, Stosch, Stuart, Ticer, Vogel, Wagner, Wampler, Watkins, Whipple--39.

NAYS--Obenshain--1.

RULE 36--0.

S.B. 283 (two hundred eighty-three) was read by title the third time and, on motion of Senator Quayle, was passed with its title.

The recorded vote is as follows:

YEAS--23. NAYS--17. RULE 36--0.

YEAS--Blevins, Colgan, Hanger, Houck, Hurt, Martin, McDougale, McWaters, Miller, J.C., Newman, Norment, Obenshain, Puckett, Quayle, Reynolds, Ruff, Smith, Stosch, Stuart, Vogel, Wagner, Wampler, Watkins--23.

NAYS--Barker, Deeds, Edwards, Herring, Howell, Locke, Lucas, Marsden, Marsh, McEachin, Miller, Y.B., Northam, Petersen, Puller, Saslaw, Ticer, Whipple--17.

RULE 36--0.

S.B. 298 (two hundred ninety-eight) was read by title the third time and, on motion of Senator Miller, J.C., was passed with its title.

The recorded vote is as follows:

YEAS--33. NAYS--7. RULE 36--0.

YEAS--Barker, Blevins, Colgan, Deeds, Edwards, Hanger, Herring, Houck, Howell, Hurt, Locke, Lucas, Marsden, Marsh, Martin, McDougale, McEachin, Miller, J.C., Miller, Y.B., Norment, Northam, Obenshain, Petersen, Puckett, Puller, Quayle, Reynolds, Ruff, Saslaw, Ticer, Vogel, Wagner, Whipple--33.

NAYS--McWaters, Newman, Smith, Stosch, Stuart, Wampler, Watkins--7.

RULE 36--0.

S.B. 311 (three hundred eleven) was read by title the third time and, on motion of Senator Martin, was passed with its title.

The recorded vote is as follows:

YEAS--23. NAYS--16. RULE 36--0.

YEAS--Blevins, Colgan, Hanger, Houck, Hurt, Martin, McDougale, McWaters, Miller, J.C., Newman, Norment, Obenshain, Puckett, Quayle, Reynolds, Ruff, Smith, Stosch, Stuart, Vogel, Wagner, Wampler, Watkins--23.

NAYS--Barker, Edwards, Herring, Howell, Locke, Lucas, Marsden, Marsh, McEachin, Miller, Y.B., Northam, Petersen, Puller, Saslaw, Ticer, Whipple--16.

RULE 36--0.

S.B. 417 (four hundred seventeen) was read by title the third time and, on motion of Senator Vogel, was passed with its title.

The recorded vote is as follows:

YEAS--23. NAYS--17. RULE 36--0.

YEAS--Blevins, Colgan, Hanger, Houck, Hurt, Martin, McDougale, McWaters, Miller, J.C., Newman, Norment, Obenshain, Puckett, Quayle, Reynolds, Ruff, Smith, Stosch, Stuart, Vogel, Wagner, Wampler, Watkins--23.

NAYS--Barker, Deeds, Edwards, Herring, Howell, Locke, Lucas, Marsden, Marsh, McEachin, Miller, Y.B., Northam, Petersen, Puller, Saslaw, Ticer, Whipple--17.

RULE 36--0.

RECONSIDERATION

Senator Norment moved to reconsider the vote by which **S.B. 311** (three hundred eleven) was passed with its title.

The motion was agreed to.

The recorded vote is as follows:

YEAS--40. NAYS--0. RULE 36--0.

YEAS--Barker, Blevins, Colgan, Deeds, Edwards, Hanger, Herring, Houck, Howell, Hurt, Locke, Lucas, Marsden, Marsh, Martin, McDougale, McEachin, McWaters, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Obenshain, Petersen, Puckett, Puller, Quayle, Reynolds, Ruff, Saslaw, Smith, Stosch, Stuart, Ticer, Vogel, Wagner, Wampler, Watkins, Whipple--40.

NAYS--0.

RULE 36--0.

S.B. 311, on motion of Senator Martin, was passed with its title.

The recorded vote is as follows:

YEAS--23. NAYS--17. RULE 36--0.

YEAS--Blevins, Colgan, Hanger, Houck, Hurt, Martin, McDougale, McWaters, Miller, J.C., Newman, Norment, Obenshain, Puckett, Quayle, Reynolds, Ruff, Smith, Stosch, Stuart, Vogel, Wagner, Wampler, Watkins--23.

NAYS--Barker, Deeds, Edwards, Herring, Howell, Locke, Lucas, Marsden, Marsh, McEachin, Miller, Y.B., Northam, Petersen, Puller, Saslaw, Ticer, Whipple--17.

RULE 36--0.

S.B. 113 (one hundred thirteen) was read by title the third time and, on motion of Senator Petersen, was passed with its title.

The recorded vote is as follows:

YEAS--30. NAYS--10. RULE 36--0.

YEAS--Barker, Deeds, Edwards, Hanger, Herring, Houck, Howell, Hurt, Locke, Lucas, Marsden, Marsh, McDougale, McEachin, Miller, J.C., Miller, Y.B., Northam, Petersen, Puckett, Puller, Quayle, Reynolds, Saslaw, Stosch, Stuart, Ticer, Vogel, Wagner, Wampler, Whipple--30.

NAYS--Blevins, Colgan, Martin, McWaters, Newman, Norment, Obenshain, Ruff, Smith, Watkins--10.

RULE 36--0.

S.B. 273 (two hundred seventy-three) was read by title the third time and, on motion of Senator Whipple, was passed with its title.

The recorded vote is as follows:

YEAS--38. NAYS--2. RULE 36--0.

YEAS--Barker, Blevins, Colgan, Deeds, Edwards, Hanger, Herring, Houck, Howell, Hurt, Locke, Lucas, Marsden, Marsh, Martin, McDougale, McEachin, McWaters, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Obenshain, Petersen, Puckett, Puller, Quayle, Reynolds, Ruff, Saslaw, Stosch, Stuart, Ticer, Vogel, Wagner, Wampler, Watkins--38.

NAYS--Smith, Watkins--2.

RULE 36--0.

S.B. 291 (two hundred ninety-one) was read by title the third time and, on motion of Senator Deeds, was passed with its title.

The recorded vote is as follows:

YEAS--38. NAYS--2. RULE 36--0.

YEAS--Barker, Blevins, Colgan, Deeds, Edwards, Hanger, Herring, Houck, Howell, Hurt, Locke, Lucas, Marsden, Marsh, Martin, McDougale, McEachin, McWaters, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Petersen, Puckett, Puller, Quayle, Reynolds, Ruff, Saslaw, Stosch, Stuart, Ticer, Vogel, Wagner, Wampler, Watkins, Whipple--38.

NAYS--Obenshain, Smith--2.

RULE 36--0.

S.B. 341 (three hundred forty-one), on motion of Senator Hanger, was passed by for the day.

SENATE BILLS ON SECOND READING

S.B. 486 (four hundred eighty-six), on motion of Senator Hurt, was passed by for the day.

Senator Saslaw moved that the engrossment of the Senate bills that follow be considered en bloc.

The motion was agreed to.

Senator Saslaw moved that the following Senate bills, the titles of the bills having been printed in the Calendar for their second reading as required by Article IV, Section 11, of the Constitution, be placed before the Senate by number only:

S.B. 416 (four hundred sixteen).

S.B. 75 (seventy-five).

S.B. 88 (eighty-eight).

S.B. 108 (one hundred eight).

S.B. 169 (one hundred sixty-nine).

S.B. 197 (one hundred ninety-seven).

S.B. 224 (two hundred twenty-four).

S.B. 253 (two hundred fifty-three).

S.B. 282 (two hundred eighty-two).

S.B. 352 (three hundred fifty-two).

S.B. 414 (four hundred fourteen).

S.B. 475 (four hundred seventy-five).

S.B. 495 (four hundred ninety-five).

S.B. 554 (five hundred fifty-four).

S.B. 563 (five hundred sixty-three).

S.B. 607 (six hundred seven).

S.B. 621 (six hundred twenty-one).

S.B. 665 (six hundred sixty-five).

S.B. 673 (six hundred seventy-three).

S.B. 676 (six hundred seventy-six).

The motion was agreed to.

S.B. 75 (seventy-five) was taken up.

The following amendment proposed by the Committee for Courts of Justice was offered:

1. Line 28, introduced, after B.

strike

remainder of line 28 and through ~~Commonwealth, the~~ *The*

insert

If a court grants bail to a person or fixes a term of recognizance under this article over the objection of the attorney for the Commonwealth, the

The reading of the amendment was waived.

On motion of Senator Reynolds, the amendment was agreed to.

S.B. 88 (eighty-eight) was taken up.

The amendment in the nature of a substitute proposed by the Committee for Courts of Justice was offered, having been printed separately, with its title reading as follows:

A BILL to amend and reenact § 19.2-368.3 of the Code of Virginia, relating to the Criminal Injuries Compensation Fund.

The reading of the substitute was waived.

On motion of Senator Howell, the substitute was agreed to.

S.B. 224 (two hundred twenty-four) was taken up.

The following amendments proposed by the Committee on Education and Health were offered:

1. Line 90, introduced, after *seq.*),

strike

or (ii)

insert

(ii) a "business associate" of a HIPAA covered entity that is subject to requirements for notification in the case of a breach of protected health information (42 USC 17932 et seq.), or (iii)

2. Line 101, introduced, after line 100

insert

2. That the provisions of this act shall become effective on January 1, 2011.

The reading of the amendments was waived.

On motion of Senator Barker, the amendments were agreed to.

S.B. 282 (two hundred eighty-two) was taken up.

The following amendments proposed by the Committee on General Laws and Technology were offered:

1. Line 26, introduced, after *detainer*
strike
 , provided the tenant does not invoke the rights granted by this section ~~no~~ more
 than one time during any ~~twelve-month~~ 12-month period of continuous
 residency in the rental dwelling unit
2. Line 32, introduced, after *payment to the*
strike
 court
insert
 landlord
3. Line 33, introduced, after *court costs*
insert
 and dismissal of the action upon such payment
4. Line 34, introduced, after *the*
strike
 court
insert
 landlord
5. Line 36, introduced, at the beginning of the line
strike
 hearing
insert
 evidence
6. Line 37, introduced, after line 36
insert
 D. In cases of unlawful detainer, the tenant may invoke the rights granted in this
 section no more than one time during any 12-month period of continuous
 residency in the rental dwelling unit.
7. Line 65, introduced, after *detainer*
strike
 remainder of line 65 and through § 55-243 on line 66
8. Line 71, introduced, after *payment to the*
strike
 court
insert
 landlord
9. Line 72, introduced, after *court costs*

insert

and dismissal of the action upon such payment

10. Line 73, introduced, after *the*
strike

court

insert

landlord

11. Line 75, introduced, at the beginning of the line
strike

hearing

insert

evidence

12. Line 76, introduced, after line 75
insert

E. In cases of unlawful detainer, the tenant may invoke the rights granted in this section no more than one time during any 12-month period in accordance with § 55-243.

The reading of the amendments was waived.

On motion of Senator Quayle, the amendments were agreed to.

S.B. 352 (three hundred fifty-two) was taken up.

The following amendment proposed by the Committee on Education and Health was offered:

1. Line 22, introduced, after year.
insert

Notwithstanding the provisions of this section, schools with a graduating class shall meet prescribed thresholds on a graduation and completion rate index, as prescribed by the Board of Education, for accreditation ratings for 2011-2012.

The reading of the amendment was waived.

On motion of Senator Obenshain, the amendment was agreed to.

S.B. 414 (four hundred fourteen) was taken up.

The amendment in the nature of a substitute proposed by the Committee on Education and Health was offered, having been printed separately, with its title reading as follows:

A BILL to amend the Code of Virginia by adding a section numbered 22.1-207.4, relating to nutritional guidelines for competitive foods in public schools.

The reading of the substitute was waived.

On motion of Senator Vogel, the substitute was agreed to.

S.B. 495 (four hundred ninety-five) was taken up.

The amendment in the nature of a substitute proposed by the Committee for Courts of Justice was offered, having been printed separately, with its title reading as follows:

A BILL to amend the Code of Virginia by adding a section numbered 18.2-268.13, relating to DUI prior offenses; penalties.

The reading of the substitute was waived.

On motion of Senator Hurt, the substitute was agreed to.

S.B. 554 (five hundred fifty-four) was taken up.

The amendment in the nature of a substitute proposed by the Committee on General Laws and Technology was offered, having been printed separately, with its title reading as follows:

A BILL to amend and reenact § 2.2-115 of the Code of Virginia, relating to the Governor's Development Opportunity Fund.

The reading of the substitute was waived.

On motion of Senator Puckett, the substitute was agreed to.

S.B. 563 (five hundred sixty-three) was taken up.

The following amendments proposed by the Committee on General Laws and Technology were offered:

1. Line 66, introduced, after *posts or*
insert
veterans'

2. Line 66, introduced, after *under*
strike
§ 501 (c)(3) or

The reading of the amendments was waived.

On motion of Senator Ticer, the amendments were agreed to.

S.B. 607 (six hundred seven) was taken up.

The amendment in the nature of a substitute proposed by the Committee on General Laws and Technology was offered, having been printed separately, with its title reading as follows:

A BILL to amend and reenact § 2.2-1514, as it is currently effective and as it may become effective, and §§ 10.1-2128, 10.1-2129, and 10.1-2133 of the Code of Virginia, relating to the Comptroller's assignment of certain general fund balances.

The reading of the substitute was waived.

On motion of Senator Stosch, the substitute was agreed to.

S.B. 665 (six hundred sixty-five) was taken up.

The following amendments proposed by the Committee on General Laws and Technology were offered:

1. Line 106, introduced, after this
strike

section

insert

chapter, Chapter 4.2 (§ 55-79.39 et seq.), 21 (§ 55-360 et seq.), 24 (§ 55-424 et seq.), or 26 (§ 55-508 et seq.) of Title 55, or any of the Board's regulations or orders

2. Line 108, introduced, at the beginning of the line
strike

section

insert

chapter, Chapter 4.2 (§ 55-79.39 et seq.), 21 (§ 55-360 et seq.), 24 (§ 55-424 et seq.), or 26 (§ 55-508 et seq.) of Title 55, or any of the Board's regulations or orders

The reading of the amendments was waived.

On motion of Senator Whipple, the amendments were agreed to.

On motion of Senator Saslaw, the following Senate bills were ordered en bloc to be engrossed and read by title the third time:

S.B. 75 (seventy-five) as amended.

S.B. 88 (eighty-eight) as amended.

S.B. 108 (one hundred eight).

S.B. 169 (one hundred sixty-nine).

S.B. 197 (one hundred ninety-seven).

S.B. 224 (two hundred twenty-four) as amended.

S.B. 282 (two hundred eighty-two) as amended.

S.B. 352 (three hundred fifty-two) as amended.

S.B. 414 (four hundred fourteen) as amended.

S.B. 475 (four hundred seventy-five).

S.B. 495 (four hundred ninety-five) as amended.

S.B. 554 (five hundred fifty-four) as amended.

S.B. 563 (five hundred sixty-three) as amended.

S.B. 607 (six hundred seven) as amended.

S.B. 621 (six hundred twenty-one).

S.B. 665 (six hundred sixty-five) as amended.

S.B. 673 (six hundred seventy-three).

S.B. 676 (six hundred seventy-six).

S.B. 416 (four hundred sixteen), on motion of Senator Howell, was recommitted to the Committee on Privileges and Elections.

S.B. 253 (two hundred fifty-three), on motion of Senator Reynolds, was ordered to be engrossed and read by title the third time.

**SENATE BILL ON THIRD READING
RECONSIDERATION**

Senator Martin moved to reconsider the vote by which **S.B. 298** (two hundred ninety-eight) was passed with its title.

The motion was agreed to.

The recorded vote is as follows:

YEAS--40. NAYS--0. RULE 36--0.

YEAS--Barker, Blevins, Colgan, Deeds, Edwards, Hanger, Herring, Houck, Howell, Hurt, Locke, Lucas, Marsden, Marsh, Martin, McDougale, McEachin, McWaters, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Obenshain, Petersen, Puckett, Puller, Quayle, Reynolds, Ruff, Saslaw, Smith, Stosch, Stuart, Ticer, Vogel, Wagner, Wampler, Watkins, Whipple--40.

NAYS--0.

RULE 36--0.

S.B. 298, on motion of Senator Miller, J.C., was passed with its title.

The recorded vote is as follows:

YEAS--32. NAYS--8. RULE 36--0.

YEAS--Barker, Blevins, Colgan, Deeds, Edwards, Hanger, Herring, Houck, Howell, Hurt, Locke, Lucas, Marsden, Marsh, McDougale, McEachin, Miller, J.C., Miller, Y.B., Norment, Northam, Petersen, Puckett, Puller, Quayle, Reynolds, Ruff, Saslaw, Ticer, Vogel, Wagner, Wampler, Whipple--32.

NAYS--Martin, McWaters, Newman, Obenshain, Smith, Stosch, Stuart, Watkins--8.

RULE 36--0.

SENATE BILLS ON SECOND READING

S.B. 537 (five hundred thirty-seven) was taken up and, on motion of Senator Newman, was ordered to be engrossed and read by title the third time.

S.B. 66 (sixty-six) was read by title the second time and, on motion of Senator McEachin, was ordered to be engrossed and read by title the third time.

S.B. 77 (seventy-seven) was read by title the second time.

Senator Norment moved that **S.B. 77** be rereferred to the Committee on Commerce and Labor.

The question was put on rereferring **S.B. 77** to the Committee on Commerce and Labor.

The yeas and nays were called for; and, being desired by one-fifth of the Senators present, the yeas and nays were ordered.

The recorded vote is as follows:

YEAS--18. NAYS--22. RULE 36--0.

YEAS--Barker, Deeds, Hanger, Marsden, Marsh, Martin, McDougale, McEachin, Miller, Y.B., Norment, Northam, Puller, Ruff, Saslaw, Stosch, Wagner, Wampler, Watkins--18.

NAYS--Blevins, Colgan, Edwards, Herring, Houck, Howell, Hurt, Locke, Lucas, McWaters, Miller, J.C., Newman, Obenshain, Petersen, Puckett, Quayle, Reynolds, Smith, Stuart, Ticer, Vogel, Whipple--22.

RULE 36--0.

The motion was rejected.

On motion of Senator Reynolds, the bill was ordered to be engrossed and read by title the third time.

S.B. 203 (two hundred three) was read by title the second time.

Senator Norment moved that **S.B. 203** be rereferred to the Committee on Commerce and Labor.

The question was put on rereferring **S.B. 203** to the Committee on Commerce and Labor.

The yeas and nays were called for; and, being desired by one-fifth of the Senators present, the yeas and nays were ordered.

The recorded vote is as follows:

YEAS--22. NAYS--18. RULE 36--0.

YEAS--Barker, Deeds, Hanger, Lucas, Marsden, Marsh, Martin, McDougale, McEachin, McWaters, Miller, Y.B., Newman, Norment, Northam, Obenshain, Puller, Ruff, Saslaw, Stosch, Wagner, Wampler, Watkins--22.

NAYS--Blevins, Colgan, Edwards, Herring, Houck, Howell, Hurt, Locke, Miller, J.C., Petersen, Puckett, Quayle, Reynolds, Smith, Stuart, Ticer, Vogel, Whipple--18.

RULE 36--0.

The motion was agreed to.

S.B. 203 was rereferred to the Committee on Commerce and Labor.

S.B. 412 (four hundred twelve) was read by title the second time.

Senator Norment moved that **S.B. 412** be rereferred to the Committee on Commerce and Labor.

The question was put on rereferring **S.B. 412** to the Committee on Commerce and Labor.

The yeas and nays were called for; and, being desired by one-fifth of the Senators present, the yeas and nays were ordered.

The recorded vote is as follows:

YEAS--23. NAYS--17. RULE 36--0.

YEAS--Barker, Deeds, Edwards, Hanger, Lucas, Marsden, Marsh, Martin, McDougle, McEachin, McWaters, Miller, Y.B., Newman, Norment, Northam, Obenshain, Puller, Ruff, Saslaw, Stosch, Wagner, Wampler, Watkins--23.

NAYS--Blevins, Colgan, Herring, Houck, Howell, Hurt, Locke, Miller, J.C., Petersen, Puckett, Quayle, Reynolds, Smith, Stuart, Ticer, Vogel, Whipple--17.

RULE 36--0.

The motion was agreed to.

S.B. 412 was rereferred to the Committee on Commerce and Labor.

S.B. 470 (four hundred seventy) was read by title the second time and, on motion of Senator Miller, J.C., was ordered to be engrossed and read by title the third time.

RECONSIDERATION

Senator McWaters moved to reconsider the vote by which **S.B. 77** (seventy-seven) was ordered to be engrossed and read by title the third time.

The motion was agreed to.

The recorded vote is as follows:

YEAS--38. NAYS--1. RULE 36--0.

YEAS--Barker, Blevins, Colgan, Deeds, Edwards, Hanger, Herring, Houck, Howell, Hurt, Locke, Lucas, Marsden, Marsh, Martin, McDougle, McEachin, McWaters, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Obenshain, Petersen, Puckett, Puller, Quayle, Ruff, Smith, Stosch, Stuart, Ticer, Vogel, Wagner, Wampler, Watkins, Whipple--38.

NAYS--Reynolds--1.

RULE 36--0.

RECONSIDERATION

Senator McWaters moved to reconsider the vote by which the motion to rerefer **S.B. 77** (seventy-seven) to the Committee on Commerce and Labor was rejected.

The motion was agreed to.

The recorded vote is as follows:

YEAS--35. NAYS--5. RULE 36--0.

YEAS--Barker, Blevins, Colgan, Deeds, Edwards, Hanger, Herring, Howell, Hurt, Lucas, Marsden, Marsh, Martin, McDougle, McEachin, McWaters, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Obenshain, Petersen, Puller, Quayle, Ruff, Saslaw, Smith, Stosch, Stuart, Ticer, Wagner, Wampler, Watkins, Whipple--35.

NAYS--Houck, Locke, Puckett, Reynolds, Vogel--5.

RULE 36--0.

S.B. 77, on motion of Senator Reynolds, was passed by for the day.

S.B. 498 (four hundred ninety-eight) was read by title the second time.

Senator Hurt moved that **S.B. 498** be ordered to be engrossed and read by title the third time.

Senator Norment moved, as a substitute motion, that **S.B. 498** be rereferred to the Committee on Commerce and Labor.

The question was put on rereferring **S.B. 498** to the Committee on Commerce and Labor.

The yeas and nays were called for; and, being desired by one-fifth of the Senators present, the yeas and nays were ordered.

The recorded vote is as follows:

YEAS--21. NAYS--19. RULE 36--0.

YEAS--Barker, Deeds, Hanger, Lucas, Marsh, Martin, McDougale, McEachin, McWaters, Miller, Y.B., Newman, Norment, Northam, Obenshain, Puller, Ruff, Saslaw, Stosch, Wagner, Wampler, Watkins--21.

NAYS--Blevins, Colgan, Edwards, Herring, Houck, Howell, Hurt, Locke, Marsden, Miller, J.C., Petersen, Puckett, Quayle, Reynolds, Smith, Stuart, Ticer, Vogel, Whipple--19.

RULE 36--0.

The motion was agreed to.

S.B. 498 was rereferred to the Committee on Commerce and Labor.

SENATE BILLS ON FIRST READING

Senator Saslaw moved that the Rules be suspended and the first reading of the titles of the following Senate bills as required by Article IV, Section 11, of the Constitution, be dispensed with:

S.B. 219 (two hundred nineteen).

S.B. 230 (two hundred thirty).

S.B. 339 (three hundred thirty-nine).

S.B. 406 (four hundred six).

S.B. 483 (four hundred eighty-three).

S.B. 522 (five hundred twenty-two).

S.B. 527 (five hundred twenty-seven).

S.B. 566 (five hundred sixty-six).

S.B. 646 (six hundred forty-six).

S.B. 26 (twenty-six).

S.B. 229 (two hundred twenty-nine).

S.B. 517 (five hundred seventeen).

S.B. 667 (six hundred sixty-seven).

The motion was agreed to.

The recorded vote is as follows:

YEAS--40. NAYS--0. RULE 36--0.

YEAS--Barker, Blevins, Colgan, Deeds, Edwards, Hanger, Herring, Houck, Howell, Hurt, Locke, Lucas, Marsden, Marsh, Martin, McDougale, McEachin, McWaters, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Obenshain, Petersen, Puckett, Puller, Quayle, Reynolds, Ruff, Saslaw, Smith, Stosch, Stuart, Ticer, Vogel, Wagner, Wampler, Watkins, Whipple--40.

NAYS--0.

RULE 36--0.

On motion of Senator Saslaw, the following Senate bills were passed by for the day:

S.B. 219 (two hundred nineteen).

S.B. 230 (two hundred thirty).

S.B. 339 (three hundred thirty-nine).

S.B. 406 (four hundred six).

S.B. 483 (four hundred eighty-three).

S.B. 522 (five hundred twenty-two).

S.B. 527 (five hundred twenty-seven).

S.B. 566 (five hundred sixty-six).

S.B. 646 (six hundred forty-six).

S.B. 26 (twenty-six).

S.B. 229 (two hundred twenty-nine).

S.B. 517 (five hundred seventeen).

S.B. 667 (six hundred sixty-seven).

SENATE JOINT RESOLUTIONS ON THIRD READING

Senator Saslaw moved that the following Senate joint resolutions, the titles of the joint resolutions having been printed in the Calendar for their third reading, be placed before the Senate by number only:

S.J.R. 13 (thirteen).

S.J.R. 25 (twenty-five).

S.J.R. 53 (fifty-three).

S.J.R. 54 (fifty-four).

S.J.R. 55 (fifty-five).

S.J.R. 93 (ninety-three).

S.J.R. 114 (one hundred fourteen).

The motion was agreed to.

S.J.R. 13 (thirteen) was taken up, as follows:

SENATE JOINT RESOLUTION NO. 13

Proposing an amendment to the Constitution of Virginia by adding in Article X a section numbered 6-A, relating to a property tax exemption for certain veterans.

WHEREAS, a proposed amendment to the Constitution of Virginia, hereinafter set forth, was agreed to by a majority of the members elected to each of the two houses of the General Assembly at the regular session of 2009 and referred to this, the next regular session held after the 2009 general election of members of the House of Delegates, as required by the Constitution of Virginia; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the following amendment to the Constitution of Virginia be, and the same hereby is, proposed in conformity with the provisions of Section 1 of Article XII of the Constitution of Virginia, namely:

Amend the Constitution of Virginia by adding in Article X a section numbered 6-A as follows:

ARTICLE X
TAXATION AND FINANCE

Section 6-A. Property tax exemption for certain veterans.

Notwithstanding the provisions of Section 6, the General Assembly by general law, and within the restrictions and conditions prescribed therein, shall exempt from taxation the real property, including the joint real property of husband and wife, of any veteran who has been determined by the United States Department of Veterans Affairs or its successor agency pursuant to federal law to have a one hundred percent service-connected, permanent, and total disability, and who occupies the real property as his or her principal place of residence. The General Assembly shall also provide this exemption from taxation for real property owned by the surviving spouse of a veteran who was eligible for the exemption provided in this section, so long as the surviving spouse does not remarry and continues to occupy the real property as his or her principal place of residence.

Senator Saslaw moved that the passage of the Senate joint resolutions that follow be considered en bloc.

The motion was agreed to.

On motion of Senator Saslaw, the following Senate joint resolutions were agreed to en bloc:

S.J.R. 13 (thirteen).

S.J.R. 53 (fifty-three).

S.J.R. 54 (fifty-four).

S.J.R. 55 (fifty-five).

S.J.R. 93 (ninety-three).

S.J.R. 114 (one hundred fourteen).

The recorded vote is as follows:

YEAS--40. NAYS--0. RULE 36--0.

YEAS--Barker, Blevins, Colgan, Deeds, Edwards, Hanger, Herring, Houck, Howell, Hurt, Locke, Lucas, Marsden, Marsh, Martin, McDougle, McEachin, McWaters, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Obenshain, Petersen, Puckett, Puller, Quayle, Reynolds, Ruff, Saslaw, Smith, Stosch, Stuart, Ticer, Vogel, Wagner, Wampler, Watkins, Whipple--40.

NAYS--0.

RULE 36--0.

S.J.R. 25 (twenty-five) was taken up, as follows:

SENATE JOINT RESOLUTION NO. 25

Proposing an amendment to Section 6 of Article X of the Constitution of Virginia, relating to property tax exemptions for buildings constructed or designed to conserve energy and natural resources.

WHEREAS, a proposed amendment to the Constitution of Virginia, hereinafter set forth, was agreed to by a majority of the members elected to each of the two houses of the General Assembly at the regular session of 2009 and referred to this, the next regular session held after the 2009 general election of members of the House of Delegates, as required by the Constitution of Virginia; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the following amendment to the Constitution of Virginia be, and the same hereby is, proposed in conformity with the provisions of Section 1 of Article XII of the Constitution of Virginia, namely:

Amend Section 6 of Article X of the Constitution of Virginia as follows:

ARTICLE X
TAXATION AND FINANCE

Section 6. Exempt property.

(a) Except as otherwise provided in this Constitution, the following property and no other shall be exempt from taxation, State and local, including inheritance taxes:

(1) Property owned directly or indirectly by the Commonwealth or any political subdivision thereof, and obligations of the Commonwealth or any political subdivision thereof exempt by law.

(2) Real estate and personal property owned and exclusively occupied or used by churches or religious bodies for religious worship or for the residences of their ministers.

(3) Private or public burying grounds or cemeteries, provided the same are not operated for profit.

(4) Property owned by public libraries or by institutions of learning not conducted for profit, so long as such property is primarily used for literary, scientific, or educational purposes or purposes incidental thereto. This provision may also apply to leasehold interests in such property as may be provided by general law.

(5) Intangible personal property, or any class or classes thereof, as may be exempted in whole or in part by general law.

(6) Property used by its owner for religious, charitable, patriotic, historical, benevolent, cultural, or public park and playground purposes, as may be provided by classification or designation by an ordinance adopted by the local governing body and subject to such restrictions and conditions as provided by general law.

(7) Land subject to a perpetual easement permitting inundation by water as may be exempted in whole or in part by general law.

(b) The General Assembly may by general law authorize the governing body of any county, city, town, or regional government to provide for the exemption from local property taxation, or a portion thereof, within such restrictions and upon such conditions as may be prescribed, of real estate and personal property designed for continuous habitation owned by, and occupied as the sole dwelling of, persons not less than sixty-five years of age or persons permanently and totally disabled as established by general law who are deemed by the General Assembly to be bearing an extraordinary tax burden on said property in relation to their income and financial worth.

(c) Except as to property of the Commonwealth, the General Assembly by general law may restrict or condition, in whole or in part, but not extend, any or all of the above exemptions.

(d) The General Assembly may define as a separate subject of taxation (i) *any property, including real or personal property, equipment, facilities, or devices, constructed or designed to conserve energy and natural resources in a manner that meets or exceeds performance standards or guidelines established for such purposes, or* (ii) any property, including real or personal property, equipment, facilities, or devices, used primarily for the purpose of abating or preventing pollution of the atmosphere or waters of the Commonwealth or for the purpose of transferring or storing solar energy, ~~and by general law may allow the governing body of any county, city, town, or regional government to exempt or partially exempt such property from taxation, or by general law may directly exempt or partially exempt such property from taxation.~~ *The General Assembly by general law may allow the governing body of any county, city, town, or regional government to exempt or partially exempt such property from taxation.*

(e) The General Assembly may define as a separate subject of taxation household goods, personal effects and tangible farm property and products, and by general law may allow the governing body of any county, city, town, or regional government to exempt or partially exempt such property from taxation, or by general law may directly exempt or partially exempt such property from taxation.

(f) Exemptions of property from taxation as established or authorized hereby shall be strictly construed; provided, however, that all property exempt from taxation on the effective date of this section shall continue to be exempt until otherwise provided by the General Assembly as herein set forth.

(g) The General Assembly may by general law authorize any county, city, town, or regional government to impose a service charge upon the owners of a class or classes of exempt property for services provided by such governments.

(h) The General Assembly may by general law authorize the governing body of any county, city, town, or regional government to provide for a partial exemption from local real property taxation, within such restrictions and upon such conditions as may be prescribed, (i) of real estate whose improvements, by virtue of age and use, have undergone substantial renovation, rehabilitation or replacement or (ii) of real estate with new structures and improvements in conservation, redevelopment, or rehabilitation areas.

(i) The General Assembly may by general law allow the governing body of any county, city, or town to exempt or partially exempt from taxation any generating equipment installed after December thirty-one, nineteen hundred seventy-four, for the purpose of converting from oil or natural gas to coal or to wood, wood bark, wood residue, or to any other alternate energy source for manufacturing, and any co-generation equipment installed since such date for use in manufacturing.

(j) The General Assembly may by general law allow the governing body of any county, city, or town to have the option to exempt or partially exempt from taxation any business, occupational or professional license or any merchants' capital, or both.

Senator Petersen moved that **S.J.R. 25** be agreed to.

S.J.R. 25, on motion of Senator Colgan, was passed by for the day.

OTHER BUSINESS

Pursuant to Senate Rule 26 (f), the Clerk reported that Senator Barker had been added as a co-patron of **S.B. 414** (four hundred fourteen).

Pursuant to Senate Rule 26 (f), the Clerk reported that Senators Barker, Puller, and Ticer and Delegates Brink and Morgan had been added as co-patrons of **S.B. 706** (seven hundred six).

Pursuant to Senate Rule 26 (f), the Clerk reported that Senator Barker had been added as a co-patron of **S.B. 707** (seven hundred seven).

Pursuant to Senate Rule 26 (f), the Clerk reported that Delegate Keam had been added as a co-patron of **S.B. 712** (seven hundred twelve).

On motion of Senator Colgan, the Senate adjourned until tomorrow at 12 m.

A handwritten signature in black ink, appearing to read "Bolling", with a stylized flourish extending from the end.

William T. Bolling
President of the Senate

A handwritten signature in black ink, appearing to read "Susan Clarke Schaar", written in a cursive style.

Susan Clarke Schaar
Clerk of the Senate