

Water in the 2009 Virginia General Assembly

(Published in the April 2009 issue of *Virginia Water Central*, available online at <http://www.vwrrc.vt.edu/watercentral.html>. Since publication, one additional bill, HJ 819, has been added at the end of this article.)

The 2009 Virginia General Assembly convened January 14 and adjourned February 28. The reconvened (“veto”) session was held April 8. During the session, the Assembly considered 2893 measures (2576 introduced in this session and 317 continued from the 2008 session). This year’s “short session” Assembly also considered amendments to the 2008-10 biennial state budget.

In this article, *Virginia Water Central* lists 189 measures in the 2009 Assembly that dealt with water resources directly or with activities that are likely to affect water. The list comes from the Legislative Information System (LIS) Web site, at <http://leg1.state.va.us>, in the categories indicated by sub-headings below. Bill summaries were also taken from LIS (edited in some cases for space or clarity). Bills are listed under only one category, even if LIS listed them more than once. The categories searched and the bills listed include all those with *direct* water relevance (such as bills in the “Water and Sewer Systems” category) as well as those with a *potential or indirect* relevance to water (such as bills dealing with land conservation and energy-efficiency, two activities that ultimately affect water resources). *Water Central’s* list below does not necessarily include *all* bills that potentially could affect Virginia’s water resources.

Within each category, bills are listed in order of their **bill number**, using the following abbreviations: **HB** = bill started in House of Delegates; **HJ** = joint resolution started in the House; **SB** = bill started in the Senate; and **SJ** = joint resolution started in the Senate.

A box at the end of the article lists several topics and bills from the 2009 Assembly that received attention in various news media. For a selection of online news articles about water-related legislation in the 2009 Assembly, please visit the *Virginia Water Central* News Grouper at <http://delicious.com/araflo/09VaGenAssembly>. Please also see the end of the article for information on tracking legislation and contacting your legislators.

Water Central’s inventories of water-related bills in General Assembly sessions from 1998-2008 are available online at www.vwrrc.vt.edu/legislation.html. For some additional perspective, please see the following page for a sample of George Wills’ cartoons on the water-related stories of previous Assembly sessions.



A Look Back at Water Stories in Past Virginia General Assemblies



1999



2005



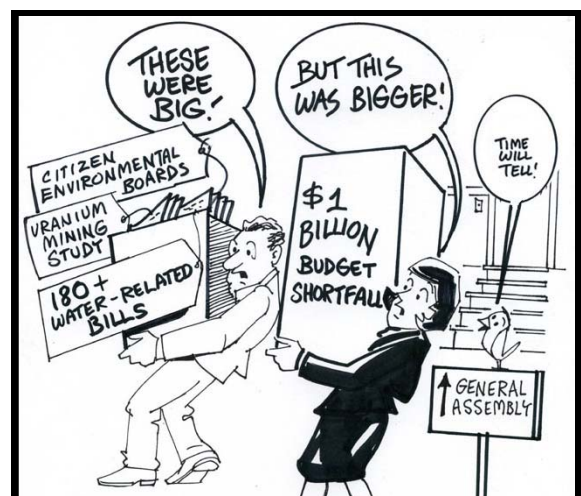
2000



2006



2004



2008

Water-related Bill Inventory and Bill Status as of April 8, 2009

To see complete details about a listed bill, please go enter the desired bill number in the search box at the following Web site: <http://leg1.state.va.us/cgi-bin/legp504.exe?091+men+BIL>.

Frequently used abbreviations: Senate ACNR = Senate Agriculture, Conservation, and Natural Resources committee; House ACNR = House Agriculture, Chesapeake, and Natural Resources committee; House APP = House Appropriations committee; DCR = Virginia Department of Conservation and Recreation; DEQ = Virginia Department of Environmental Quality; DGIF = Virginia Department of Game and Inland Fisheries; DMME = Virginia Department of Mines, Minerals and Energy; DOF = Virginia Department of Forestry; EPA = U.S. Environmental Protection Agency; VMRC = Virginia Marine Resources Commission.

BUDGET

1.	HB1600	Budget Bill. Amendments to the 2008-2010 biennial budget passed by the 2008 General Assembly.	Passed.
2.	SB850	Budget Bill. Amendments to the 2008-2010 biennial budget passed by the 2008 General Assembly.	Passed.

CONSERVATION

Land Conservation Bills

3.	HB 1891	Land preservation tax credit. Reduces from \$100,000 to \$50,000 the amount that may be claimed for taxable years 2009 and 2010. Companion bill is SB 986 (# 9).	Passed.
4.	HB 2536	Easements; injury to servient estate. Provides that, unless otherwise provided for in the terms of an easement, the owner of a dominant estate shall not use an easement in a way that materially damages or injures a servient estate.	Failed in House Courts of Justice.
5.	HB 2566	Purchase of land by Department of Forestry; used for nonstate forest purposes. Clarifies that proceeds derived from properties used for nonstate forest purposes acquired or managed by the Department of Forestry (DOF) are not subject to distribution by the department to those localities in which the properties are located. Currently, the proceeds derived from all lands acquired by the State Forester are distributed to those localities in which the lands are located, based on a specific formula.	Passed.
6.	HB 2598	Department of Conservation and Recreation purchasing certain abandoned railroad rights-of-way. Grants the Department of Conservation and Recreation (DCR) a right of first refusal to purchase certain abandoned railroad rights-of-way.	Failed in House Agriculture, Chesapeake, and Natural Resources (ACNR).
7.	SB 838	Land preservation tax credit; conveyance for public parks or public recreational facilities. Provides that the land preservation tax credit would equal 60 percent of the fair market value of any land that is donated to a state or local governmental entity for the purpose of a public park or public recreational facility, with certain conditions. All other donations under the land preservation tax credit would not be affected by the bill and would be eligible for a 40 percent tax credit as provided under current law.	Passed Senate; failed in House Finance.
8.	SB 908	Public service corporations and land in conservation	Failed in

		easements. Prohibits public service corporations from acquiring by condemnation land (or interest in land) that is subject to conservation easement.	Senate Courts of Justice; subject matter referred to Secretary of Natural Resources.
9.	SB 986	Land preservation tax credit. Reduces from \$100,000 to \$50,000 the amount that may be claimed for taxable years 2009 and 2010. Companion bill is HB 1891 (#3).	Passed.
10.	SB 1024	Conservation easements; Open-Space Lands Preservation Trust Fund. Removes requirement to have additional local co-holder of a conservation or open-space easement when grants from the Open-Space Lands Preservation Trust Fund are used to mitigate the costs of the easement.	Passed.
11.	SB 1115	Land Conservation Fund; public access parkland. Adds “public access parkland” to the uses for which money from the Virginia Land Conservation Fund must be spent in those years when the fund contains more than \$10 million. The Virginia Outdoors Foundation, which administers the Fund, will award grants for public access parkland based on a number of factors	Passed Senate; failed in House ACNR.
12.	SB 1259	Land preservation tax credits. Increases to \$115 million the cap on the aggregate amount of land-preservation tax credits that the state can issue.	Failed in Senate Finance.
13.	SB 1371	Land exchange: Grayson Highlands State Park and Holliday Lake State Park in Appomattox County. Authorizes the DCR to convey to the DOF a parcel of land adjacent to Highlands State Park in Grayson County; the parcel would be used by the DOF as a location for research, and seed sources for native species. In exchange, the DOF would convey to the DCR the rights to a portion of land adjoining Holliday Lake State Park in Appomattox County to be used for possible expansion of Holliday Lake State Park and to protect the park's viewshed.	Passed.

Other Conservation Bills

14.	HB 1814	Plastic bags at retail stores. Bans use by retailers at point of sale unless bags are designed and manufactured for reuse. Companion bill is SB 873 (#36). Also see related SB 971 (#38) and HB 2010 (#182).	Failed in House ACNR.
15.	HB 1831	Virginia Recreational Facilities Authority. Delays from 2009 to 2010 the reversion of real property from this authority to the state.	Passed.
16.	HB 1856	Residential Property Disclosure Act; disclosure of stormwater detention facilities. Provides that a disclosure statement indicate that a property owner makes no representations with respect to the presence of stormwater-detention facilities on the property and that purchasers should exercise due diligence to determine the presence of any such facilities.	Passed.
17.	HB 1918	Coal combustion by-products; use, reuse, or reclamation in a flood plain. Requires a solid waste permit to authorize the placement of unamended coal combustion by-product (fly ash) in a 100-year floodplain. Companion bill is SB 865 (#35). See also related HB 2419 (#132).	Passed.

18.	HB 1925	Clean Water Farm Award. Identifies the type of agricultural best management practices farmers can use to be eligible for the award. See related SJ 375 (#187).	Passed.
19.	HB 1930	Certification of stormwater development property by DCR. Authorizes the DCR to certify stormwater-management development properties as being designed, constructed, or reconstructed for preventing stormwater pollution, allowing the local government to tax the property at a different rate from other classifications of real property.	Passed.
20.	HB 1973	Litter Control and Recycling Fund Grant. Limits awarding of grants to those localities whose litter-prevention and recycling grant applications meet criteria established by the Dept. of Environmental Quality (DEQ).	Passed.
21.	HB 1991	Stormwater management programs; establishment by localities. Extends the time that localities have to adopt a local stormwater management program following the effective date of state regulations.	Passed.
22.	HB 2084	Exemption of certain pollution-control equipment and facilities from local property taxes.	Passed.
23.	HB 2168	Stormwater nutrient offsets. Authorizes stormwater permit-issuing authorities to allow permit holders to comply with nonpoint nutrient runoff water-quality criteria by acquiring nonpoint nutrient offsets that have been certified under the Chesapeake Bay Nutrient Exchange Program. The offsets have to be in the same tributary as the permitted activity and generated in the same or adjacent eight digit hydrologic unit code. Several other conditions are also specified.	Passed.
24.	HB 2175	Energy projects, small renewable; DEQ to develop permit by rule for construction & operation. Directs the DEQ to develop a permit for construction and operation of small renewable energy projects. A project for which such a permit by rule has been issued will be exempt from requirements that the State Corporation Commission permit its construction and operation. A governor's recommendation establishes the Small Renewable Energy Project Fee Fund. Companion bill is SB 1347 (#49).	Passed
25.	HB 2177	Rechargeable battery recycling. Authorizes localities to ban disposal of certain rechargeable batteries in any waste-to-energy or solid waste disposal facility within its jurisdiction, provided the locality has implemented a recycling program that is capable of handling all rechargeable batteries generated within its jurisdiction.	Passed.
26.	HB 2202	Greenhouse gas emissions; mandatory reporting. Requires the State Air Pollution Control Board to adopt regulations requiring the reporting of greenhouse gas emissions from stationary sources that consume carbon-emitting feedstocks, emit more than a de minimis amount of greenhouse gas, and are already required to report emissions of other air pollutants. Companion bill is SB 1145 (#43).	Failed in House ACNR.
27.	HB 2218	Soil and water conservation district director elections; notification. Requires prominent posting of relevant dates for district director elections. Companion bill is SB 1324 (#48).	Passed.
28.	HB 2255	Solid waste disclosure statements; eliminates requirement that applicants provide social security number.	Passed.
29.	HB 2351	Natural Resources Commitment Fund. Requires the DCR to determine the annual funding needs for agricultural best management	Passed.

		practices (BMPs) and to provide this information to the governor. The bill also changes the formula for allocating moneys in the Virginia Natural Resources Commitment Fund, as follows: eight percent will be distributed to soil and water conservation districts, 55 percent will be used for matching grants for BMPs on lands within the Chesapeake Bay watershed, and 37 percent will go to matching grants outside the Chesapeake Bay watershed. See related SB 1050 (#41).	
30.	HB 2469	Waste Management Board; permit issuance process. Makes the process of permit issuance for solid waste management uniform with that of the two other pollution control boards, the Air Pollution Control Board and the State Water Control Board.	Failed in House ACNR.
31.	HB 2525	Small Wind Energy Projects; construction and operating permits.	Incorporated into HB 2175 (#24).
32.	HB 2602	DCR contracts with non-profit organizations. Grants the DCR power to establish non-competitively procured contracts with non-profit organizations that wish to conduct revenue-producing activities on department lands for the benefit of Virginia State Parks or the Natural Area Preserve System.	Passed.
33.	HB 2649	Recycling reports. Removes the requirement that solid-waste planning units submit an estimate of the amount of solid waste managed through recycling.	Failed on House floor.
34.	HJ 713	Compact fluorescent light bulbs: DEQ to study impact of expanded use. Requests the DEQ to study the environmental impact of the expanded use of compact fluorescent light bulbs in the residential sector, including proper disposal and public education.	Passed House; failed in Senate Rules.
35.	SB 865	Coal combustion by-products; use, reuse, or reclamation in a floodplain. Requires a solid waste permit to authorize the placement of unamended coal combustion by-product (fly ash) in a 100-year floodplain. Companion bill is HB 1918 (#17).	Passed.
36.	SB 873	Plastic bags at retail stores; bans use by retailers at point of sale unless designed & manufactured for reuse. Companion bill is HB 1814 (#14). Also see related SB 971 (#38) and HB 2010 (#182).	Failed in Senate ACNR.
37.	SB 930	Statewide Waste Management Plan. Requires the DEQ by 2012 to prepare a statewide waste management plan with goals and minimum recycling rates, strategies to achieve goals and minimum rates, and recommendations for legislative changes needed to implement the goals and minimum rates. The bill would have taken effect unless private funds for developing the plan were found by March 2011.	Passed Senate; passed House ACNR; failed in House Rules.
38.	SB 971	Plastic bags at retail stores; on-premises recycling. Requires that certain stores provide on-premises recycling for plastic bags, and that larger stores provide reusable bags for sale and take back and recycle used plastic bags. See related HB 1814 (#14)/SB 873 (#36) and HB 2010 (#182).	Failed in Senate ACNR.
39.	SB 982	Stormwater regulation by localities. Requires localities to provide full or partial waivers of charges to any person who develops, redevelops, or retrofits outfalls, discharges, or property so that there is a permanent reduction in post-development stormwater flow and pollutant loading, as long as a stormwater permit has been obtained by either the DCR or the DEQ when such permit is required. Under current law, localities have the <i>option</i> of providing such waivers.	Passed.
40.	SB 1026	Nonprofit corporation authorized for Foundation for	Passed.

		Virginia's Natural Resources. Authorizes the Foundation to establish a nonprofit, nonstock corporation to foster partnerships, finance projects, and promote the mission of the Foundation.	
41.	SB 1050	Natural Resources Commitment Fund; funding. Requires the DCR, in consultation with stakeholders, to determine an annual funding amount for effective Soil and Water Conservation District technical assistance and implementation of agricultural best management practices and to provide to the governor the annual funding amount needed for each year of the ensuing biennial period. The bill also changes the formula for distributions from the Fund. See related HB 2351 (#29).	Passed.
42.	SB 1114	Stormwater management; emerging technology. Directs the Virginia Soil and Water Conservation Board to adopt regulations for evaluating and including emerging or innovative stormwater-control technologies that reduce nonpoint source pollution.	Passed.
43.	SB 1145	Greenhouse gas emissions; mandatory reporting. Companion Bill is HB 2202 (#26; please see that bill for summary).	Passed Senate; failed in House ACNR.
44.	SB 1198	State parks; expands Golden Passport program for disabled persons. Establishes a Disabled Veteran's Passport program that entitles the bearer to free admission to state parks and reduces fees on park services.	Passed.
45.	SB 1224	Littering penalties. Provides that littering is punishable by a fine of not less than \$500 or more than \$2,500 and a mandatory minimum of 10 hours of community service.	Passed Senate; failed in House Courts of Justice.
46.	SB 1295	Silvicultural activities; state forester allowed to enter and to inspect land to determine if activities are causing pollution.	Passed.
47.	SB 1317	Electronic meetings by Air Pollution Control Board and State Water Control Board. Requires any electronic communication meetings by these boards to be held in compliance with the Freedom of Information Act; the bill identifies allowable topics of discussion.	Passed.
48.	SB 1324	Soil and water conservation district director elections; notification. Companion bill is HB 2218 (#27; please see that bill for summary).	Passed.
49.	SB 1347	Energy projects, small renewable; DEQ to develop permit by rule for construction and operation. Companion bill is HB 2175 (#24; please see that bill for summary).	Passed.
50.	SB 1361	State park funds; transfers all money in park-operated Concessions Fund to State Park Conservation Resources Fund.	Passed.
51.	SB 1473	State forest land permits. Authorizes the state forester to require a person to obtain a permit to fish or ride a horse on lands under the control of the DOF; currently, permits are required for hunting or trapping on such lands. A permit requirement for riding a mountain bike was in the original bill but was eliminated in the final version.	Passed.
52.	SJ 332	Constitutional amendment (first resolution); tax exemptions for resource-conserving property. Authorizes the General Assembly to enact laws to permit localities to exempt from property taxes any property (real or personal) designed to conserve energy and	Passed.

		natural resources in a manner that meets or exceeds performance standards established for such purposes. The amendment also deletes the authorization for the General Assembly to exempt <i>directly</i> from property taxes resource-conserving property, property designed to abate pollution, and property to transfer or store solar energy.	
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ENERGY CONSERVATION AND RESOURCES

53.	HB 1633	Offshore drilling royalties. Apportions any state royalties from offshore drilling for natural gas and oil among the Transportation Trust Fund, Renewable Electricity Production Grant Fund, Virginia Coastal Energy Research Consortium, and programs developed by the Secretary of Natural Resources to clean up the Chesapeake Bay.	Passed House; failed in Senate Finance.
54.	HB 1707	Energy performance-based contracts; Mines, Minerals and Energy to assist localities. Requires the Dept. of Mines, Minerals and Energy (DMME) to make a reasonable effort to advise localities, upon request, about energy performance-based contracts, and to compile information annually concerning alocal energy performance-based contracts.	Passed.
55.	HB 1953	Guidelines for schools on recycling and waste reduction activities. Requires the Board of Education to establish guidelines for local school divisions regarding recycling and waste-reduction activities and to submit an annual report of recycling efforts in public schools.	Failed in House Education.
56.	HB 1994	Renewable portfolio standard (RPS) program for investor-owned electric utilities. Adds to the state's RPS program by establishing a goal for investor-owned incumbent electric utilities to have 15 percent of their total electric energy sales be from renewable energy sources by calendar year 2025.	Passed.
57.	HB 2001	Biofuels Production Incentive Grant Program. Distinguishes advanced biofuels—made from winter cover crops, cellulose, hemicellulose, lignin oil, and algae—from standard biofuels that may be made from agricultural feedstocks such as corn. The program will award a \$0.125 per gallon grant for advanced biofuels and a \$0.10 per gallon grant for standard biofuels (requires production of one million gallons per year for eligibility). Companion bill is SB 1186 (#82).	Passed.
58.	HB 2002	Energy Plan; biofuels from non-food feedstocks. Amends the Virginia Energy Plan to recognize the objective of increasing Virginia's use of sustainably produced biofuels made from traditional agricultural crops and other feedstocks, and to support the delivery infrastructure needed for statewide distribution to consumers. Companion bill is SB 1427 (#96).	Passed.
59.	HB 2165	Zoning; small-scale production of biofuels in areas zoned agricultural. Allows farmers to engage in the small-scale production (as defined in the bill) of biofuels in areas zoned agricultural without a special exception or special use permit.	Passed.
60.	HB 2174	Energy savings by state agencies. Establishes a program under which a state agency's operating costs will be held harmless from any reduction in projected operational expenditures that results from energy conservation; state agencies are required to prepare an approved energy-conservation program for each building; energy-conservation guidelines are to be developed by the Dept. of General Services; and that department shall report energy savings for each agency.	Failed in House General Laws.

61.	HB 2176	Electric energy efficiency standards; Energy Efficiency and Conservation Fund established.	Incorporated into HB 2506 (#68).
62.	HB 2235	Clean Energy Manufacturing Incentive Grant Program and Fund; created. Repeals the Solar Photovoltaic Manufacturing Incentive Grant Program and creates a program to provide financial incentives for products related to renewable energy, nuclear energy, and energy efficiency. Companion bill is SB 1215 (#84).	Passed House Commerce and Labor; failed in House APP.
63.	HB 2374	State income tax; Renewable Energy Job tax credit. Provides an income tax credit to corporations for each created or filled renewable energy job (as defined by the bill). See related SB 1125 (#78).	Failed in House Finance.
64.	HB 2387	Green Public Buildings Act; certain new or renovated buildings to be built to certain standards. Requires new or renovated building projects (above a certain size) by public bodies to be done to the Green Globes Green Building Initiative green building rating standard or the United States Green Building Council Leadership in Energy and Environment Design green building rating standard (LEED). Companion bill is SB 1252 (#88). See also SB 1127 (#79).	Passed House General Laws; failed in House APP.
65.	HB 2404	Virginia Universities Clean Energy Development and Economic Stimulus Foundation created. Creates the Virginia Universities Clean Energy Development and Economic Stimulus Foundation for i.) research, development, and commercialization of alternative fuels, clean energy production, and related technologies. The Tobacco Indemnification and Community Revitalization Commission is authorized to award to the foundation up to five percent of its endowment each year for five years beginning in 2009.	Passed House; failed in Senate Education and Health.
66.	HB 2417	Covenants regarding solar power; clarifies that community associations may amend to relax restrictions.	Passed.
67.	HB 2418	Solar energy in subdivision ordinances. Strikes language requiring that provisions for establishing and maintaining access to solar energy be applicable to a new subdivision only when so requested by the subdivider.	Failed in House Counties, Cities, and Towns.
68.	HB 2506	Energy efficiency programs; investor-owned electric utilities to recover costs. Authorizes investor-owned electric utilities to recover, through a rate-adjustment clause, the costs of designing and operating energy-efficiency programs that produce measured and verified reductions in electricity use. See related See LIS for significant details. See related SB 1248 (#87).	Passed.
69.	HB 2531	Electricity; demand-side management, energy conservation, energy efficiency, and demand reduction. Directs the State Corporation Commission (SCC) to determine achievable, cost-effective energy conservation targets that can be accomplished through demand-side management portfolios administered by generating electric utilities. The measure also requires the SCC to approve a demand-side management program that is proposed by a certain generating electric utility or a qualified nonutility provider if certain conditions are satisfied. The DEQ is required to adopt regulations that exempt certain customers from the major and minor new source review regulations during verifiable peak shaving periods, to create a class or classes of general permits that would create the same exemptions, or both. See LIS for more details. Companion bill is SB 1348 (#92).	Passed.
70.	HB 2562	Retail Sales and Use Tax; renewable energy exemptions.	Failed in

		Exempts from the retail sales and use tax solar photovoltaic systems, solar thermal systems, and wind-powered electrical generators for residential real property. Companion bill is SB 1216 (#85).	House Finance.
71.	HB 2572	State income tax credit for energy-efficient equipment purchases by individuals (up to 50 percent of purchase). See related HB 2573 (#72), SB 1141 (#80), and SB 1231 (#86).	Failed in House Finance.
72.	HB 2573	State income tax credit for energy-efficient equipment purchases by individuals or corporations (up to 25 percent of purchase). See related HB 2572 (#71), SB 1141 (#80), and SB 1231 (#86).	Failed in House Finance.
73.	HJ 621	Ethanol production; requests U.S. EPA waiver. Requests the U.S. Environmental Protection Agency (EPA) to grant a temporary waiver from the Renewable Fuel Standard under the Energy Independence and Security Act of 2007.	Failed in House ACNR.
74.	HJ 718	Utility-scale energy; study of generation from offshore winds and investment. Creates a joint subcommittee to study utility-scale energy generation from offshore winds and the feasibility of commercial investment in such projects.	Failed in House Rules.
75.	SB 973	Virginia Resources Authority loans for renewable energy. Authorizes the Virginia Resources Authority (VRA) to finance renewable energy projects and permits localities to make loans for renewable energy using funds obtained through VRA's assistance.	Failed in House ACNR.
76.	SB 1065	Wind energy drying devices; no community association shall prohibit an owner from installing.	Passed Senate; failed on House floor.
77.	SB 1124	Commercial clean energy production tax credit. Establishes an income tax credit for electricity that is produced using solar photovoltaic technology or wind power at a commercial facility.	Failed in Senate Finance.
78.	SB 1125	State income tax credit for green jobs. Provides an income tax credit to taxpayers in the amount of \$1,000 per year, for up to three years, for each "green job" (employment in an industry related to renewable alternative energies). See related HB 2374 (#63).	Failed in Senate Finance.
79.	SB 1127	State energy efficiency programs. Requires the Division of Purchase and Supply of the Department of General Services to ensure that, by 2020 and thereafter, 20 percent of the electricity purchased by the Commonwealth is sustainable energy. Also requires state agency building projects above a certain size to be built to energy-performance standards of the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) or equivalent energy performance-standards that provide for the use of Virginia forest products, unless granted an exemption by the Director of the Department of General Services (see related HB 2387 (#64)). Also authorizes the governor to permit any state agency to enter into a contract through the use of competitive negotiation, rather than through the requirements of the Commonwealth's public procurement laws, if it finds that the contract will improve energy efficiency or result in reduced energy expenditures.	Failed in Senate General Laws and Technology.
80.	SB 1141	State income tax credit for renewable energy. Provides a tax credit for individuals and corporations for renewable energy property, not to exceed \$1,000,000 for individuals and \$1,000,000 for corporations in any year. The bill is contingent on supplemental appropriations that may be used for such credit being included in a federal stimulus package adopted by March 27, 2009. See related HB 2572 (#71), HB	Passed Senate; failed in House Finance.

		2573 (#72), and SB 1231 (#86).	
81.	SB 1146	Biodiesel and green diesel; two-percent requirement. Requires state public bodies to procure only diesel fuel containing, at a minimum, two percent, by volume, biodiesel fuel or green diesel fuel. Based on a finding of sufficient availability of biodiesel or green diesel, the Governor may increase the requirement up to 20 percent by volume.	Passed Senate; passed House Commerce and Labor; failed in House APP.
82.	SB 1186	Biofuels Production Incentive Grant Program. Companion bill is HB 2001 (#57; please see that bill for summary).	Passed.
83.	SB 1212	Clean energy financing. Grants localities the authority to create a clean energy financing program	Passed.
84.	SB 1215	Clean Energy Manufacturing Incentive Grant Fund, created. Companion bill is HB 2235 (#62; please see that bill for summary).	Passed Senate; passed House Commerce and Labor; failed in House APP.
85.	SB 1216	Retail Sales and Use Tax; renewable energy exemptions. Companion bill is HB 2562 (#70; please see that bill for summary).	Passed Senate; passed House Finance; failed in House APP.
86.	SB 1231	State income tax credit for energy-efficient equipment purchases by individuals (up to five percent). See related HB 2572 (#71), HB 2573 (#72), and SB 1141 (#80).	Failed in Senate Finance.
87.	SB 1248	Electrical generation; base rates of return for certain types thereof. Authorizes investor-owned electric utilities to recover, through a rate adjustment clause, the projected and actual costs of designing, implementing, and operating energy-efficiency programs and fair and effective peak-shaving programs. The utility may earn a general rate of return on energy-efficiency programs. The State Corporation Commission may allow for the recovery of reductions in revenue related to energy-efficiency programs, to the extent the revenue is not recovered through off-system sales. Certain large general service customers may be exempted from paying the costs of such energy-efficiency programs. The measure also requires electric cooperatives to file assessments of impediments to their implementation of certain rate initiatives. See related HB 2506 (#68).	Passed.
88.	SB 1252	Green Public Buildings Act; certain new or renovated buildings to be built to certain standards. Companion bill is HB 2387 (#64; please see that bill for summary).	Passed Senate; passed House General Laws; failed in House APP.
89.	SB 1296	Energy efficiency and demand response goals. Establishes a goal that every investor-owned utility in the Commonwealth reduce the consumption by their retail customers in the Commonwealth, through implementation of energy efficiency programs, in 2025 by 19 percent compared to the consumption level currently projected for such year.	Failed in Senate Commerce and Labor.

90.	SB 1345	Energy efficiency in state government. Establishes a goal of reducing the annual cost of nonrenewable energy purchases by each executive branch agency and institution by at least 20 percent of fiscal year 2008 expenditures by fiscal year 2012. Also requires building according to Green Globes Green Building Initiative green building rating standard or the United States Green Building Council Leadership in Energy and Environment Design green building rating standard (LEED) (see related HB 2387, #64). Also requires that water systems in new buildings provide water savings of at least 25 percent.	Passed Senate; passed House Commerce and Labor; failed in House APP.
91.	SB 1346	Virginia Coastal Energy Research Consortium. Makes certain technical corrections to the membership of the Consortium. Also broadens one of the responsibilities of the Consortium from researching “the feasibility of recovering fuel gases from methane hydrates and increasing the Commonwealth’s reliance on other forms of coastal energy” to “the feasibility of increasing the Commonwealth’s reliance on all domestic forms of coastal energy.”	Passed.
92.	SB 1348	Electricity; demand-side management, energy conservation, energy efficiency, and demand reduction. Companion bill is HB 2531 (#69; please see that bill for summary).	Passed.
93.	SB 1349	Mid-Atlantic Offshore Wind Energy Infrastructure Development Compact. Establishes this compact among Virginia, Delaware, Maryland, New Jersey, and New York to promote and coordinate wind-energy efforts.	Passed.
94.	SB 1350	Marine Resources Commission; offshore renewable resources. Provides the Marine Resources Commission (VMRC) with authority to lease subaqueous lands for the purpose of generating electrical energy from wave or tidal action, currents, offshore winds, or thermal or salinity gradients and transmit energy from such sources to shore and requires that any leases require a royalty, with all royalties appropriated to the Virginia Coastal Energy Research Consortium. The VMRC is also directed to identify 100 acres suitable for use by the Virginia Coastal Energy Research Consortium as a research site, and to determine whether subaqueous lands exist to support a commercial offshore wind farm and, if so, auction a development lease.	Passed.
95.	SB 1357	Clean fuel vehicle job-creation tax credit; adds cellulosic biofuels. Expands the types of fuels to which new jobs must relate in order to qualify for this credit by including fuels derived from any cellulose, hemicellulose, or lignin that is derived from renewable biomass or algae.	Passed.
96.	SB 1427	Energy Plan; use of sustainable biofuels from non-food feedstocks. Companion bill is HB 2002 (#58; please see that bill for summary).	Passed.
97.	SB 1440	Integrated resource planning; electrical consumption. Requires electric utilities to have a plan for reducing customers’ electricity consumption by 2025 to a level that is 19 percent less than the currently forecasted 2025 consumption level. If a utility fails to comply with a benchmark, it is required to pay an alternate compliance payment. Funds collected from alternate compliance payments are to be deposited in a special fund named the Virginia Energy Efficiency and Integrated Resource Plan Compliance Fund and used to finance grants and loans to persons other than utilities for energy -efficiency and conservation programs. See related SB 1447 #98).	Failed in Senate Commerce and Labor.
98.	SB 1447	Energy efficiency by electric utilities; Virginia Energy	Failed in

		Efficiency Commission established. Besides the provisions include in SB 1440 (#97), this bill requires the State Corporation Commission to develop regulations that provide access to the electrical grid by distributed generators with combined heat and power systems, and creates the Virginia Energy Efficiency Commission as an advisory Commission in the executive branch to evaluate the success of energy-efficiency programs and to identify new cost-effective opportunities for energy efficiency.	Senate Commerce and Labor.
99.	SB 1452	Energy efficiency programs. Imposes a \$1 per month surcharge on rates for retail customers of investor-owned electric utilities and electric cooperatives, to be deposited in the Energy Efficiency Fund. The fund's program administrator is charged with developing energy efficiency plans and, if approved by the SCC, implementing such plans. The SCC shall approve a proposed energy-efficiency plan if it is consistent with energy objectives of the Virginia Energy Plan.	Failed in Senate Commerce and Labor; subject referred to the Commission on Energy and the Environment.
100.	SJ 345	Recycling receptacles; state and local governmental entities to increase usage.	Passed.
101.	SJ 396	Global warming and energy problems. Recognizes the need to use scientific principles in developing a plan to remedy global warming and energy problems, and requests that the General Assembly use such principles when considering energy and environmental legislation.	Failed in Senate Rules.

FISHERIES AND HABITAT OF TIDAL WATERS

102.	HB 1623	Agritourism and marine tourism activity liability. Relieves commercial fishermen that engage in marine tourism activities from liability of the inherent risks of such activity when providing the appropriate warnings to members of the public.	Passed.
103.	HB 1719	Fees for hunting and fishing licenses. Clarifies the authority of the VMRC and the Board of the Dept. of Game and Inland Fisheries (DGIF) to revise certain fees for hunting, fishing, and trapping licenses.	Passed.
104.	HB 1961	Special conservation police officers. Requires any special conservation officer who is appointed after October 1, 2009, to obtain a valid registration as a Special Conservator of the Peace from the Department of Criminal Justice Services.	Passed.
105.	HB 2213	Easement in Baylor Grounds. Removes from the VMRC the authority to grant a 100-foot-wide easement to Virginia Natural Gas across a portion of Baylor Survey Ground No. 3, for a gas pipeline.	Passed.
106.	HB 2223	Recreational saltwater license. Authorizes the VMRC to charge non-residents a higher fee.	Passed.
107.	HB 2248	Marine Resources Commission location. Removes the requirement that the VMRC have a permanent office in the City of Newport News and more broadly requires that the office be located on the Virginia Peninsula (defined by the bill).	Passed.
108.	HB 2256	Fixed fishing devices. Requires the VMRC to adopt regulations that set the distance between any net and the side or end of any fixed fishing device. Currently, the distance is established by statute.	Passed.

109.	HB 2412	Conveyance of subaqueous lands. Authorizes the VMRC to sell certain parcels of subaqueous land to the City of Virginia Beach.	Failed in House ACNR.
110.	HB 2507	Refunds for saltwater fishing licenses. Requires the VMRC to refund saltwater fishing licenses on a prorated basis if the Commission stops selling the license due to fishery-management purposes.	Passed.
111.	SB 1086	Nonresident harvester's license. Increases to \$850 the fee for nonresident commercial harvester's licenses required by the VMRC for those fishing in tidal waters and by the Dept. of Game and Inland Fisheries for those fishing in Back Bay; also changes the formula for allocating the proceeds of the license sales.	Failed in Senate ACNR.
112.	SB 1087	Marine Resources Commission membership. Increases the membership of the VMRC from nine to eleven members and requires that three of the members shall have, at the time of their appointment, earned their livelihood as a commercial fisherman on Virginia's waters for at least five years.	Passed Senate; failed in House ACNR.
113.	SB 1104	Income tax credit for temporary protective enclosures for oysters.	Failed in Senate ACNR.
114.	SB 1111	Blue Crab season in specific area. Authorizes the VMRC to establish periods of time when Blue Crabs may be caught for resale in a specific location in the Chesapeake Bay (currently it is unlawful to do so from June 1 through September 15).	Passed.
115.	SB 1479	Easements and rights-of-way on Elizabeth River. Authorizes the VMRC to grant easements and rights-of-way across the beds of the Elizabeth River, including a portion of the Baylor Survey, to the Dept. of Transportation for the improvement of the Midtown Tunnel.	Passed.
116.	SJ 311	Blue crabs; Congress of U.S. urged to examine equitability of allocation of licenses to harvest. Expresses the concern of the General Assembly to ensure that one state does not inordinately bear the sacrifices necessary to ensure the success of conservation measures for the Blue Crab fishery.	Failed in Senate Rules.
117.	SJ 397	Registry of saltwater anglers. Requests the VMRC to examine the creation of a comprehensive registry of saltwater anglers and to determine whether changes are needed in the saltwater recreational fishing-license program to conform to National Angler Registry requirements.	Passed.
118.	SJ 411	Non-native oysters in the Chesapeake Bay. Encourages the U.S. Army Corps of Engineers to support the introduction of genetically sterile non-native oysters as part of its Bay oyster-management.	Passed Senate Rules; failed in Senate.

GAME, INLAND FISHERIES, AND BOATING

119.	HB 1901	Cavalier Wildlife Management Area. Authorizes the Board of Game and Inland Fisheries to convey approximately seven acres within this area in Chesapeake to Beaverdam Properties.	Passed.
120.	HB 2111	Workers' Compensation infectious disease presumption for Virginia Port Authority. Adds sworn Virginia Port Authority police officers to those public safety employees who are entitled to the presumption that certain infectious diseases are occupational diseases compensable under the Workers' Compensation Act.	Passed.

121.	HB 2242	Accident reports by watercraft passengers. Requires persons age 16 or older who are in a vessel during an accident in which a person is injured or killed and who have knowledge of the accident, to ensure that a report is made within 24 hours to a law-enforcement officer.	Failed in House ACNR.
122.	HB 2281	Wildlife Violator Compact. Authorizes the DGIF to adopt regulations necessary to be a party to the Interstate Wildlife Violator Compact.	Passed.
123.	HB 2636	Special hunting and fishing license for youth groups. Authorizes a special group hunting and fishing license to a nonprofit wildlife-education organization that takes youth on hunting and fishing excursions as part of its educational activities.	Passed.
124.	HJ 627	Children's life jacket requirements. Requests the Board and DGIF to consult and coordinate with the boating community and recreational boating safety professional organizations regarding the need for a statewide children's life jacket requirement.	Failed in House ACNR.
125.	HJ 703	Waterfowl hunting study. Establishes a legislative subcommittee to study waterfowl hunting in urban and suburban areas. See related SJ 332 (#130).	Failed in House Rules.
126.	HJ 721	Waterfowl hunting study. Same provision as to HJ 703 (please see that bill, #125, for summary).	Failed in House Rules.
127.	SB 820	Local motorboat registration fee. Authorizes localities to impose a local motorboat registration fee on motorboats subject to the locality's tangible personal property tax, for a registration period of 36 months.	Failed in Senate ACNR.
128.	SB 880	Department of Game and Inland Fisheries: exceptions to disclosure of official records. Provides that records of the DGIF shall be subject to the disclosure provisions of the Freedom of Information Act, except that personal information of individual applicants or holders of any hunting, fishing, boating, or trapping license issued by the DGIF shall be withheld from public disclosure if such individuals have requested that the Department not disclose such information. Statistical summaries or other records that do not identify individual applicants or licensees shall be disclosed.	Failed in Senate General Laws and Technology; subject referred to Freedom of Information Act Advisory Council.
129.	SB 882	Regulation of parking on public highways. Adds Stafford County to the list of counties and towns that may by ordinance regulate the parking of watercraft, boat trailers, motor homes, and camping trailers; also replaces several circumlocutions with the specific names of the designated localities: the counties of Arlington, Fairfax, and Prince William, and the towns of Clifton, Herndon, and Vienna.	Passed.
130.	SJ 322	Waterfowl hunting study. Directs the Crime Commission to study waterfowl hunting in certain urban and suburban areas. See related HJ 703 (#125).	Passed Senate; failed in House Rules.

WASTE DISPOSAL

131.	HB 1872	Hampton Roads area refuse collection and disposal system authority. Sets forth the requirements and rules for any solid waste authority for the cities of Norfolk, Virginia Beach, Portsmouth,	Passed.
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		Chesapeake, and Franklin, and the counties of Isle of Wight, Southampton, and Suffolk.	
132.	HB 2419	Fossil fuel combustion products permit. Requires a solid waste permit when using unamended coal-combustion waste (fly ash) as land cover for recreational facilities or for land contouring. See related HB 1918/SB 865 (#17 and #35, respectively).	Failed in House ACNR.
133.	HB 2576	Electricity generated from solid waste. Expands the definition of a “qualifying project” under the Public-Private Education Facilities and Infrastructure Act of 2002 to include any solid waste management facility that produces electric energy derived from solid waste.	Passed.

WATER AND SEWER SYSTEMS

134.	HB 1681	Construction of wells. Requires a site plan, but not a survey plat, to be included in an application for a permit to construct a private well; also clarifies that it is the landowner's responsibility to ensure that the well is located on his or her property.	Passed.
135.	HB 1788	Alternative on-site sewage systems. Provides that when sewers or sewerage disposal facilities are not available, a locality shall not prohibit the use of alternative onsite sewage systems that have been approved by the Virginia Department of Health for use in the particular circumstances and conditions, and that localities shall not require maintenance standards and requirements for alternative onsite sewage systems that exceed those allowed under or established by the State Board of Health. Companion bill is SB 1276 (#148).	Passed.
136.	HB 1840	Gas and Oil Act; distance limitations of wells. Exempts wells from minimum distance limitations if the proposed drilling application includes a plan for plugging the well in advance of mining that would allow for the mine-through of the well, and requires that permits to drill coalbed methane gas wells include a notice of stimulation if the proposed method of stimulation of the coal seam requires an amount of proppant greater than 10,000 pounds per foot of coal in the coal seam.	Failed in House ACNR.
137.	HB 2074	Wastewater treatment plants: exception to total maximum daily load allocations for certain plants. Establishes an expedited process for the State Water Control Board to review petitions (submitted through July 10, 2010) from certain wastewater-treatment facilities to maintain nutrient allocations based upon a higher design flow and determine whether to grant the facilities an extension to December 31, 2015, to obtain a certificate at a higher design flow (current deadline is December 31, 2010). In any case, facilities would still have to comply with their currently applicable nutrient allocations by January 1, 2011. Companion bill is SB 1022 (#146).	Passed.
138.	HB 2162	Town of Timberville; provides for local advisory referendum on water fluoridation.	Passed House Privileges and Elections; failed in full House.
139.	HB 2188	Onsite sewage systems: survey plat requirement. Directs the Board of Health to establish procedures for requiring a survey plat with any application for an onsite sewage or alternative discharging sewage system, and procedures for waiving such requirement.	Passed.

140.	HB 2247	Water and waste authorities; liens. Provides that a lien may apply for delinquent rates or charges applicable to “three or fewer months” rather than “three or fewer delinquent billing periods not exceeding thirty days each” in order to accommodate quarterly billing.	Passed.
141.	HB 2270	Private residential wells; minimum storage capacity and yield requirements. Requires the Board of Health to include in its regulations minimum storage-capacity and yield requirements for residential drinking wells, and requires that the well-system provider shall certify the storage capacity and yield upon the well’s completion.	Passed.
142.	HB 2323	Fauquier County Water and Sanitation Authority/Vint Hill wastewater treatment plant. Grants exemption to maintain current nutrient waste-load allocations for 10 years.	Incorporated into HB 2074 (#137).
143.	HB 2558	Land-application of biosolids permits. Clarifies that if a biosolids permit is amended to increase land-application acreage by 50 percent or more than was allowed initially, the application shall be treated as a new application requiring public notice and a public meeting.	Passed.
144.	HB 2591	Sampling of sewage sludge: unannounced inspections by DEQ. Requires the DEQ, during an unannounced inspection of land on which biosolids are being applied, to collect samples of the biosolids; to develop a protocol for such sampling; and to have the sample analyzed for possible health-related constituents if there is a documented health complaint.	Failed in House ACNR.
145.	HB 2646	Eligibility for betterment loans. Directs the Board of Health and the director of the DEQ to develop procedures for qualifying the owners of failing septic tanks, underground storage tanks, and contaminated dry cleaning stores, for betterment loans to be provided by private lenders. A betterment loan is defined as “a loan...to repair, replace, or upgrade an onsite sewage system or an alternative discharging sewage system for the purpose of reducing threats to public health and ground and surface waters....”	Passed.
146.	SB 1022	Wastewater treatment plants: exception to total maximum daily load allocations for certain plants. Companion Bill is HB 2074 (# 137; please see that bill for summary).	Passed.
147.	SB 1128	Construction of wells; geothermal heating systems. Requires the Board of Health to develop regulations for the issuance of an express geothermal permit allowing the construction of wells used solely for closed-loop geothermal heating systems.	Passed.
148.	SB 1276	Alternative on-site sewage systems; restriction on local authority to prohibit. Companion bill is HB 1788 (#135; please see that bill for summary).	Passed.
149.	SB 1337	Coal and gas road improvement tax; water/sewer projects. Provides that revenues generated by the coal and gas road improvement tax and designated for local water or sewer projects shall be distributed to the local industrial development authority, economic development authority, or public service authority rather than to the local governing body; also provides that such revenues may be used for the administrative expenses of the locality’s coal and gas improvement fund advisory committee.	Passed Senate; failed in House Finance.
150.	SB 1460	Replacement of water by gas well operators. Requires the operator of <i>any</i> gas well—conventional or coalbed methane—to replace any water supply contaminated or interrupted by an operation that is within 750 feet of a water well; also requires surface landowners to allow gas well operators to take samples from water wells. Currently,	Passed.

		these requirements apply only to coalbed methane wells.	
151.	SB 1471	Stormwater control and water or waste systems; allows governor to disclaim rights of State. Authorizes the governor, upon request of a user of state lands and in a form approved by the attorney general, to disclaim any Commonwealth rights or interest in lands used for stormwater-control systems or water or waste systems, if the governor finds that there is no greater public need or purpose than such use, or that public use and necessity have been established.	Passed.
152.	SB 1509	Septic systems; nitrogen-reducing technology. Clarifies that the DCR may award grants from the Water Quality Improvement Fund for replacement or modification of residential onsite sewage systems to include nitrogen-removal capabilities. The Board of Health may also set nitrogen-reducing performance requirements for alternative onsite and alternative discharging sewage systems that protect public health and the quality of groundwater and surface water.	Passed.

WATERS OF THE STATE, PORTS AND HARBORS

153.	HB 1595	Middle Peninsula Chesapeake Bay Public Access Authority; authorized to develop wetlands mitigation. Authorizes this Authority to receive and expend funds for restoring or creating tidal wetlands within the Authority service region; any wetlands credits from such projects can be used only by Authority member jurisdictions.	Passed.
154.	HB 1611	Veterans Memorial Bridge designation on I-64. Designates the Interstate Route 64 bridges over the Jackson River at approximately mile marker 19 in Alleghany County as “Veterans Memorial Bridge.”	Passed.
155.	HB 1713	Holland-Councill Memorial Bridge designation on U.S. 58. Designates the U.S. Route 58 Business bridge over the Blackwater River in Isle of Wight County as “Holland-Councill Memorial Bridge.” Companion bill is SB 802 (#171).	Passed.
156.	HB 1739	Virginia ports; change in ownership. Requires approval of both the governor and the General Assembly before any change in ownership of the Virginia ports is permitted.	Failed in House Rules.
157.	HB 1774	Tidal creeks; establishes no-discharge zones for vessels operating in designated areas. Establishes the tidal creeks of the Commonwealth as no-discharge zones for treated or untreated waste from vessels, but only on those creeks where the U.S. EPA has determined that sufficient facilities exist for the removal of sewage.	Passed.
158.	HB 1775	Invasive species; management plan to prevent. Charges the secretaries of Natural Resources and of Agriculture and Forestry with developing an invasive species management plan and establishing an invasive species advisory group, with the goal of preventing introduction of invasive species and controlling and eradicating invasive species already present on Virginia's lands and waters. Companion bill is SB 1211 (#176).	Passed.
159.	HB 1855	Conveyance of subaqueous lands in Fairfax County. Asserts that the conveyance an Alexandria property by Thomas Lord Fairfax in April 1765 to John West, Jr., shall be deemed a valid and proper conveyance by the Commonwealth.	Failed in House ACNR.
160.	HB 1931	Water Facilities Revolving Loan Fund. Authorizes the Virginia Resources Authority to provide to the Va. DEQ a portion of the fees the Authority receives, to cover some of the DEQ's costs for administering	Passed.

		the construction assistance loan program.	
161.	HB 1936	Virginia Resources Authority; eligible projects include site acquisition and development. Clarifies that “projects” eligible for Authority financing may include site-acquisition or site-development work for economic and community development projects for local governments. Companion bill is SB 1476 (#180). See also related SB 989 (#174).	Passed.
162.	HB 2043	Virginia Port Authority; disclosure of certain marketing information. Provides that records of expenses paid to any officer or employee of the Authority or any entity that are incurred for business development or marketing of Virginia ports shall be open to public disclosure in accordance with the Freedom of Information Act (with certain exemptions specified).	Failed in House General Laws.
163.	HB 2056	Advanced shipbuilding training grant program. Establishes a grant program relating to advanced shipbuilding activities involving nuclear warships for the U.S. Navy in Newport News. A maximum of \$25 million in grants would be paid over five years. Companion bill is SB 1321 (#177).	Passed.
164.	HB 2283	Virginia members of Ohio Valley Water Sanitation Commission. Replaces one of the three Virginia commissioners with the director of the DCR.	Passed.
165.	HB 2401	Fallen Heroes Memorial Bridge designations. Designates the following bridges: the U.S. Route 29 bridge over the Rapidan River between Greene and Madison Counties as the “Fallen Heroes Memorial Bridge in honor of Corporal Adam J. Fargo and Private First Class Edwin A. Andino”; and the U.S. Route 340 bridge over Overall Run at the Warren County/Page County line as the “Corporal Larry E. Smedley (USMC) Memorial Bridge.”	Passed.
166.	HB 2413	Craney Island Disposal Area in Portsmouth; constructing marine terminal with dredge material. Provides that the construction of a marine terminal on the eastern side of the Craney Island Disposal Area—using dredge material to extend the disposal area eastward, as defined in the U.S. Army Corps of Engineers Feasibility Study approved on October 24, 2006, and authorized by Congress in the Water Resources Development Act of 2007—is authorized by the General Assembly. See related HJ 712 (#166).	Passed.
167.	HB 2540	Virginia Resources Authority; additional powers. Adds the following to the Authority’s powers: To form corporations, foundations, joint ventures, partnerships, trusts, or other legal entities or any combination thereof, on its own behalf or in conjunction with public or private entities; to acquire (by means other than eminent domain), own, encumber, pledge, sell, transfer, or otherwise dispose of interests in any such legal entity; to authorize any such legal entity to borrow money, issue bonds and notes, and exercise any other power permitted under Virginia law; and to provide financing and other funding to any such legal entity; to assist in coordinating federal, state, regional, and local public and private sector efforts, economic stimuli, and resources; and to support and provide educational and outreach programs to local governments on all aspects of the financing of projects, including financing through public-public and public-private joint and cooperative ventures.	Passed House; passed Senate ACNR; failed in Senate Finance.
168.	HB 2550	Economic development; incentive financing for major employment and investment projects. Authorizes the Virginia	Passed.

		Public Building Authority and the Virginia Resources Authority to finance economic development initiatives for major employment and investment projects (MEI projects, defined in the bill) performed by state and local government entities.	
169.	HJ 689	Public's use of state waters. Requests the Department of Game and Inland Fisheries and the Marine Resources Commission to clarify the public's right to float, fish, and navigate the waters of the Commonwealth.	Passed House; failed in Senate Rules.
170.	HJ 712	Craney Island Eastward Expansion Project; U.S. Congress urged to appropriate its funds to construct. Expresses the sense of the General Assembly in favor of the completion of the Craney Island Eastward Expansion Project and urges Congress to appropriate its share of funds for construction. See related HB 2413 (#166).	Failed in House Rules.
171.	SB 802	Holland-Councill Memorial Bridge on U.S. 58. Companion bill is HB 1713 (# 155; please see that bill for summary).	Passed.
172.	SB 957	Rivanna Scenic River designation expansion. Expands the Rivanna Scenic River designation by about nine miles.	Passed.
173.	SB 984	Chesapeake Bay Preservation Act; stormwater regulations. Requires the Chesapeake Bay Local Assistance Board to adopt regulations treating swimming pools and any other impoundments of surface waters (including fountains and retention ponds) as permeable surfaces for the purposes of stormwater management.	Failed in Senate ACNR.
174.	SB 989	Virginia Resources Authority: definition of power related to local government buildings. Clarifies that the Authority's power to finance "construction of local government buildings" includes financing "administrative and operations systems and other local government equipment and infrastructure." See related HB 1936 (#161).	Passed.
175.	SB 1036	Rappahannock River Basin Commission; membership. Removes the requirement that non-legislative citizen members serving as directors on the Rappahannock River Basin Commission must be <i>elected</i> members of the local governing bodies or the local soil and water conservation districts; the change would allow <i>appointed</i> members of the local governing body or soil and water conservation districts to serve as a Basin Commission director.	Passed.
176.	SB 1211	Invasive species; management plan to prevent. Companion bill is HB 1775 (#158; please see that bill for summary).	Passed.
177.	SB 1321	Advanced shipbuilding training grant program; established. Companion bill is HB 2056 (#163; please see that bill for summary).	Passed.
178.	SB 1405	Richard Daley Mahone Memorial Bridge and John McLaughlin Memorial Bridge. Designates the Virginia Route 143 bridge over Queens Creek in Williamsburg as the "Richard Daley Mahone Memorial Bridge" and the Virginia Route 64 that crosses Interstate 64 in New Kent County the "John McLaughlin Memorial Bridge."	Passed.
179.	SB 1451	Virginia Resources Authority's debt capacity. Increases from \$900 million to \$1.5 billion the Authority's debt ceiling allowed without prior approval of the General Assembly.	Passed.
180.	SB 1476	Virginia Resources Authority; definition of eligible projects includes site acquisition and development. Companion bill is HB 1936 (# 161; please see that bill for summary).	Passed.
181.	SB 1484	Lake Anna; lake level contingency plan. Requires that any lake level contingency plan developed for Lake Anna include documentation	Failed in Senate

		of the impact reductions in water flow will have on recreational uses, and that an applicant for a Virginia Pollutant Discharge Elimination System permit to discharge into the lake must conduct an assessment of recreational use.	ACNR.
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FROM MISCELLANEOUS CATEGORIES

182.	HB 1828	“Green roof” construction: localities and water authorities allowed to offer rate incentives.	Passed.
183.	HB 2010	Paper and plastic bags at retail stores. Imposes a fee on non-durable bags used by purchasers. See related HB 1814 (#14)/SB 873 (#36) and SB 971 (#38).	Failed in House Finance.
184.	HB 2055	Transfer of development rights: extensive changes. Makes extensive changes to provisions initially passed in 2006 for the purpose of making the transfer of development rights process more useable for property owners and localities. The changes are a recommendation of the Joint Subcommittee Studying Transfer of Development Rights. Please see the LIS summary for details.	Passed.
185.	HB 2088	Department of Rail and Public Transportation; recreation and safety regarding new railroad projects. Requires that, no later than December 1, 2009, the Department of Rail and Public Transportation, the DGIF, and the DCR shall develop a process to coordinate and evaluate public recreational access and safety issues related to certain new railroad projects.	Passed.
186.	HB 2663	Water and waste authorities; board membership. Allows appointment of industrial or economic development authority directors to the boards of water and waste authorities.	Passed.
187.	SJ 290	Constitutional amendment (first resolution); taking of private property for public uses. Requires that, except for property taken for public service companies or railroads, property may not be taken if the primary purpose of the taking is private financial gain, private benefit, an increase in tax base or tax revenues, or an increase in employment, and no more property shall be taken than is necessary to achieve the stated public use.	Failed in Senate Privileges and Elections.
188.	SJ 375	Clean Water Farm Award and the Bay Friendly Farm Award. Commends farms selected as winners of the Clean Water Farm Award and the Bay Friendly Farm Award to represent the Commonwealth's 10 major river basins and to recognize the exemplary effort of such farms in implementing nutrient management plans and best management practices. See related HB 1925 (#18).	Passed.

Additions since publication of April 2009 Water Central:

HJ 819 **Commending the Virginia Scenic Rivers Program.** Recognizing the 40th anniversary of the Scenic Rivers Program in 2010. Passed.

Some Water Resource Issues (and Related Bill Numbers) Covered by News Media or Organizations During the 2009 Virginia General Assembly.

Agricultural Best Management Practices: HB 1925/SR 375 (Clean Water Farm Award)

Biosolids: HB 2558

Budget: \$4 million in grants/tax credits for “green jobs”/clean energy

Budget: \$20 million for agricultural Best Management Practices

Chesapeake Bay Non-native Oysters: SJ 411

Coal Fly Ash Disposal: HB 1918/SB 865; HB 2419

Eminent Domain: SJ 290 (constitutional amendment)

Energy—Biodiesel: SB 1146

Energy—Electricity Conservation/Efficiency: HB 2506/SB 1248; HB 2531/SB 1348; HJ 713

Energy—Offshore oil/gas drilling: HB 1633

Energy—Renewable energy generally: HB 2175/SB 1347; HB 2404; SB 1141; SB 1212; SB 1215; SB 1216; SB 1350; SB 1357

Groundwater Protection: HB 2646 (betterment Loans for septics, etc.)

Lake Anna Water Levels: SB 1484

Natural Resource Commitment Fund: HB 2351/SB 1050

Plastic shopping bag regulation: HB 1814/SB 873; HB 2010; SB 971

Soil/Water Conservation District Elections: HB 2218/SB 1324

Solid Waste: HB 1872; HB 2649

Stormwater Management: HB 1991; HB 2168

Transfer of Development Rights (TDR): HB 2055

VMRC Membership: SB 1087

Wastewater Treatment Plant Nutrient Allocations: HB2074/SB 1022; HB2323

Wells: HB 2270 (minimum storage and yield)

Sources: *Altavista Journal*; *Bluefield (West Virginia) Daily Telegraph*; *Charlottesville Daily Progress*; *Daily Press* [Hampton Roads area]; *Eastern Shore News*; *Fredericksburg Free Lance-Star*; *Franklin News-Post*; *Harrisonburg Daily News-Record*; *Lynchburg News & Advance*; *Roanoke Times*; *Richmond Times-Dispatch*; *Staunton News Leader*; Virginia Association of Soil and Water Conservation Districts; *Virginian-Pilot*; *Washington Post*. Each issue was mentioned at least once by one or more of the sources.

Tracking Legislation and Voicing Your Opinion in the Next General Assembly

For current information about the General Assembly (including lists and summaries of all bills, budget information, member information, committee schedules, and more) visit the Legislative Information System Web site at <http://leg1.state.va.us>. You may also check on a bill's status by phone: for the House of Delegates, (877) 391-3228 (toll-free; in Virginia only), or (804) 698-1500; for the Senate, (888) 892-6948 (toll-free; in Virginia only) or (804) 698-7410.

Various services are available for following legislation during a General Assembly session. Virginia's **Legislative Tracking Service** allows tracking up to five bills in one “profile”; online registration is at www.virginia.gov/liab/cgi-bin/liab_signup.cgi. To track more than five bills, the **Lobbyist-In-A-Box** subscriber service is available for a fee; visit www.virginia.gov/liab/infopage.htm. If you have questions about these services, contact the Virginia Division of Legislative Automated Systems at (804) 786-1895.

According to the General Assembly's Web site (http://legis.state.va.us/1_cit_guide/cit_welcome.html#), when the General Assembly is in session the House of Delegates and Senate jointly operate a telephone message center to accept calls from citizens wishing to express an opinion on legislation. The messages are relayed to members' offices as requested. Phone the Constituent Viewpoint operators (8:30 a.m.-5 p.m., M-F) toll-free at (800) 889-0229 (outside Richmond) or 698-1990 (Richmond area).

To contact your representatives, find their e-mail addresses and phone numbers online at <http://dela.state.va.us/dela/MemBios.nsf/MWebsiteTL?OpenView> (House of Delegates) or [http://sov.state.va.us/SenatorDB.nsf/\\$\\$Viewtemplate+for+WMembershipHome?OpenForm](http://sov.state.va.us/SenatorDB.nsf/$$Viewtemplate+for+WMembershipHome?OpenForm) (Senate) (as of 1/30/08). Or, if you know the number of your legislative districts, you can also use the following code to identify your representatives' Capitol phone numbers: for delegates, (804) 698-10 + district number (for example, 698-1003 for the District 3 delegate); for senators, (804) 698-75 + district number (for example, 698-7510 for the District 10 senator)