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*2012 Virginia General Assembly  
Incumbent Evaluations*

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*This report is intended solely for the information of Virginia FREE members and nothing contained here is to be construed as an endorsement of any candidate.*

# **Transportation, Tax Reform and Economic Development**

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Virginia business actively engaged the General Assembly in 2012 with a positive, forward-looking agenda to spur economic development, encourage business investment and create jobs. The best defense of free enterprise is a strong offense, and this year the business community united in support of initiatives to advance Virginia's favorable business environment and our tradition of sound financial management and responsible government.

Apart from the Assembly's intransigence on transportation funding and a protracted budget stalemate, it was a good year for business. By more than ten-to-one, business supported rather than opposed the bills included in this year's evaluation of the General Assembly. In light of today's politically charged environment, this is a positive development that yields success. It is good for business, good for the economy and good for Virginia.

## **Transportation Momentum Stalls**

Last year was the first time in 26 years that the General Assembly addressed transportation funding with a substantial investment, enacting legislation that will infuse more than \$3 billion over the next three years. That is great news.

However, that funding plan was dependent almost entirely upon borrowed money. Moreover, nearly all of the more than 40 business organizations that supported the Governor's proposal last year did so with the caveat that a long-term, sustainable revenue stream was still needed to adequately address Virginia's transportation funding for the foreseeable future.

Virginia's business community has long acknowledged the enormous challenges facing the General Assembly in providing far-reaching, long-range solutions to meet our 21<sup>st</sup> Century transportation demands. This is especially complicated given the stressful and uncertain economic times in which we live.

The need for solutions is immediate, large, complex, and growing:

- Virginia state law requires that maintaining our investments in transportation infrastructure takes priority over new construction. As a result, beginning in 2002, VDOT began taking money from its construction budget to fund basic maintenance (referred to as "crossover"). The annual "take" has now grown to more than \$400 million a year.
- With the General Assembly authorizing more and more borrowing by VDOT, its debt service -- the amount paid off the top of its budget every year -- continues to escalate. In 2012 VDOT's debt service is \$314 million. In three years the debt service climbs to \$421 million.
- All the while, Virginia has more than 5,000 structurally deficient or functionally obsolete bridges, with the latest price tag to fix them being \$4 billion.
- Finally, two of the most congested areas in the nation, Northern Virginia and Hampton Roads, are the economic engines that drive the Commonwealth's economy.
- The Secretary of Transportation says that in less than five years there will be no more construction money for roads in Virginia.

It will take vision and political resolve to tackle these long-term transportation challenges. We began this session with the hope that the General Assembly was ready to take a crucial step in the right direction. Approximately a dozen legislators, Republicans and Democrats, introduced bills that, if enacted, would provide sustainable funding for transportation.

Sadly those hopes were quickly dashed regardless of the bipartisan effort put forth. Committees and subcommittees killed the bills one by one despite passionate pleas from the patrons and committee members, each in their own way saying, "we have to do something about transportation."

On the table for discussion briefly were viable options:

- HB 23 (Delegate Cole) would have increased amount of sales and use tax revenue dedicated to the Transportation Trust Fund.
- HB 393 (Delegate A. Howell) would have increased the motor fuels tax rate by \$0.10 per gallon.
- HB 422 (Delegate Watts) would have provided for additional funding by imposing and increasing certain taxes.
- HB 802 (Delegate May) would have created the Virginia Pump Toll, charging motorists \$0.50 every time they filled up.
- HB 892 (Delegate Alexander) would have made the retail sale of gasoline, diesel fuel, and other fuels subject to the general five percent retail sales and use tax.
- HB 898 (Delegate Albo) would have dedicated .25 percent of the sales and use tax to transportation and indexed the gas tax.
- HB 1239 (Delegate Putney) would have increased the state retail sales and use tax from four percent to five percent beginning January 1, 2013, subject to a statewide referendum on the same. Half of the money generated from the increase would have gone to transportation.
- HB 1241 (Delegate Purkey) would have indexed the gasoline tax.
- HB 1248 (Delegate Lingamfelter) (Governor's Omnibus Transportation Bill) would have allocated an additional .25 of the sales and use tax to transportation.
- SB 631 (Senator Watkins) would have indexed the gasoline tax.
- SB 639 (Senator Wagner) (Governor's Omnibus Transportation Bill) would have, as amended by the Senate, indexed the gasoline tax.

In the end only two bills remained standing, the House and Senate versions of the Governor's Omnibus Transportation Bills. Gutted by committees who took out provisions such as the creation of a statewide tolling authority, the only substantive funding language remaining was the House's .25 percent of the sales and use tax, and the Senate's indexing of the gas tax.

The bills went to a conference committee to "work out the differences." The obvious answer was right in front of them. Neither funding idea was enough to make a dent in "crossover" (VDOT's use of \$400 million of construction money a year to meet basic maintenance needs), but together they could have solved the crossover problem in about six years.

After hours of conferring, neither idea survived. The House was unwilling to accept the Senate's funding idea, and vice versa. The only funding measure to survive would allow VDOT to sell naming rights for various roads and bridges. Original estimates pegged those revenues at a whopping \$25 million a year.

Comprehensive solutions include: accelerated public private partnerships, more privatization of transportation assets, better land use planning, more efficient development patterns, enhanced multi-modal transportation choices and tolls.

But any reasonable assessment of Virginia's critical transportation needs must acknowledge an urgent need for substantial new sources of long-term funding. At a bare minimum, new money is required to meet basic maintenance needs, restore viability to the construction budget and ensure that Virginia is a viable partner with the private sector on PPTA projects.

Business location, expansion, retention and existing operations depend heavily on Virginia's transportation infrastructure. Companies require a seamless system of highways, mass transit, ports, rail systems, and airports to conduct business effectively, prosper and create jobs. The efficient movement of people, goods, and services is essential to sustain our favorable business climate, public safety and Virginia's enviable quality of life.

Last year's initiative was just the beginning. This year's effort was a failure. As a result, the burden continues to lie in the hands of an unwilling General Assembly.

Virginia businesses do not see transportation solutions as partisan issues. There are no Republican or Democratic roads. A long-term solution requires hard work, vision, and a spirit of compromise. We call on Virginia's elected officials to swiftly and comprehensively address the transportation funding crisis.

## **Reform Taxes to Unleash Innovation & Business Growth**

Virginia is consistently ranked the best state for business, the best state for educational opportunity, and the best managed state. But we should not be content to be number one. We should strive to raise the bar ever higher, to be a shining beacon to the world, to set exemplary standards for excellence in education, transportation, health care, taxation, regulation and governance.

One area that could see big improvement in the near term is Virginia's current tax code, an antiquated, complicated patchwork of levies and credits that often stifle business growth, hamper economic development, and put business in the Commonwealth at a competitive disadvantage. Despite recent progress on several outdated features of the code, much remains to be done to move Virginia's tax structure into the 21<sup>st</sup> Century.

For more than 100 years, Virginia's tax code has evolved into a piecemealed assortment of fees, retaining taxes such as machinery and tools (M&T), a holdover from the pre World War II agrarian and early manufacturing economy; and the Business Professional Occupational License (BPOL) tax, enacted to fund the two-centuries-old War of 1812. A slightly more modern but no less onerous piece of the puzzle is the Accelerated Sales Tax (AST), a budget-filling gimmick that haunts retailers and other businesses during budget shortfalls. The tax imposes an annual extra payment to the Commonwealth of uncollected sales taxes, the state effectively borrowing cash from retailers to balance the budget. In addition, the Merchants Capital tax (MC) is unfairly levied in a number of localities. Profit or not, businesses must pay this inventory tax based on the goods physically located on the premises on a specific day of the year.

Local governments are extremely dependent on BPOL and M&T to help sustain dwindling budgets. While recognizing this dependency, the state legislature continues to ignore the localities' need to replace these antiquated taxes with more equitable, more productive, broad-based choices. The General Assembly's approach avoids dealing practically with M&T, BPOL, MC and AST – taxes that prevent profitability – and it's an approach that will not help maintain Virginia's best-in-the-nation business status.

While holding on to antiquated taxes that are harmful to entrepreneurs and growing businesses, the General Assembly continues to use a myriad of tax breaks – credits and grants – to shape tax policy. Certainly there are tax credits, incentives and grants that are good for business and good for the Commonwealth. But these must be consistent with a long-term tax strategy that benefits overall business growth, fosters innovation and promotes economic development. It must be broad-based, equitable and easily administered.

Governor McDonnell and members of the General Assembly voice support for restructuring our tax system by eliminating many of the burdensome taxes. JLARC is now conducting a study to analyze the effectiveness of tax breaks, and the Senate Finance Committee will consider tax credit legislation only during the longer budget-writing sessions of the General Assembly. More recently, two independent studies performed by the Beacon Hill Institute and Churma Economics and Analytics offer scenarios for replacing the antiquated taxes using a revenue-neutral approach, which will not only hold localities harmless but also strengthen our economy. Momentum for comprehensive tax reform is building and business is demanding results.

Cataclysmic economic events of the past three years have demonstrated that we cannot afford to continue to govern and manage our organizations and institutions using the same assumptions and models of the past. We need to change the way we look at business, government, taxes, regulations, technology and innovation. We must re-examine the role of government in our economy and begin now to develop policies and a tax structure that will foster innovation and inspire a new generation of entrepreneurs. We should develop tax policies that will unleash the next wave of technology, accelerate recovery from the current recession and propel the Commonwealth into a new economy that creates jobs, cuts costs and improves efficiencies. The time is now to enact pro-business, forward looking tax reform that will ensure the future of the Commonwealth as a significant global competitor.

## **Bob's for Jobs**

Unemployment nationally is stubbornly stuck at eight to nine percent with some areas of the country reaching double digits. But in Virginia, the employment picture is much brighter with the jobless rate hovering near five percent this spring, making it among the lowest in the country. Obviously in Virginia, we're doing something right.

Much to Governor McDonnell's credit, his administration has maintained a determined focus on facilitating job creation and promoting the Commonwealth's attractiveness to business. We applaud the Governor's sustained and successful efforts to assist businesses in creating new jobs, expand operations and grow the state's economy.

Here are a few of the recent success stories that are resulting in new investment and jobs all around the state:

- Citing aeronautical engineering programs at UVA and Virginia Tech as well as the partnerships with the community college system, Rolls-Royce has decided to expand its operations in Virginia to build a 90,000 square foot plant in Price George County that would make high-precision turbine blades for aircraft engines and create as many as 140 new jobs.
- CSI Commerce, a leading provider of ecommerce and interactive marketing solutions, will invest \$1.5 million and create 60 new jobs in Henry County.
- Laminate Technologies, a manufacturer of customized laminated panels and fabricated components, will invest \$2 million investment and create 30 new jobs in Henry County.
- Honeywell, a Fortune 100 manufacturing and technology company, will invest \$27.5 million and create 50 new jobs to its Advanced Fibers and Composites operation in Chesterfield.
- Advance Auto Parts, a leading automotive aftermarket retailer of parts, batteries, accessories and maintenance items, will invest \$8 million and add 75 new jobs for a Financial Services Commercial Customer Care Center in Roanoke.
- Tessy Plastics LLC will invest \$4.8 million and create 60 new jobs by expanding its injection-molding facility in Lynchburg.
- Fulcrum Concepts LLC, a veteran-owned small business that provides full spectrum integrated solutions to customers with unique tactical requirements, will invest \$4.6 million and create 31 new jobs in King and Queen County.
- Inorganic Ventures, a leading manufacturer of custom inorganic chemical blends, will invest \$1.3 million and create 21 new jobs by expanding its headquarters, manufacturing and distribution operation in Montgomery County.
- Acentia, the premier provider of technology and management solutions to the Federal Government and commercial markets, will invest \$3.1 million and create 60 new jobs by moving its headquarters to Fairfax County.

Virginia has many blessings. Our geographic location on the Eastern seaboard, proximity to the Nation's Capital, a diverse economic portfolio, a long-standing tradition of sound fiscal management and top-notch education, a state Right to Work law, and elected leaders who understand the importance of a competitive tax structure and a fair regulatory climate. All have paved the way for prosperity in Virginia.

# ***Part I – Incumbent Evaluations***

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## ***Key To Terms***

### **District:**

The legislative district number as created in 2011 redistricting.

### **Cumulative Business Rating:**

The average of each legislator’s Virginia FREE Business Ratings for the past seven years or, for those taking office less than seven years ago, the average from the legislator’s first year in office through the current year. For some Senators, the Cumulative Business Rating includes previous service in the House of Delegates.

### **Business Rating:**

The legislator's score based on Virginia FREE evaluations of incumbent performance on important business issues in the 2012 General Assembly session (100-point scale where 100 is strongly pro-business). This rating combines General Assembly voting records with incumbent evaluations as done by leading business lobbyists.

### **Vote Percentage:**

The percentage of votes cast by the legislator in support of the predominant business position on important business issues used in Virginia FREE voting records from the 2012 General Assembly session.

### **Stewardship:**

The Stewardship Evaluation is the result of an annual survey of Virginia FREE member governmental affairs professionals to determine, in their informed opinions, the level of responsible, pro-business stewardship demonstrated by each member of the General Assembly.

### **Effectiveness:**

The Effectiveness rating is the result of an annual survey of Virginia FREE member governmental affairs professionals to determine, in their informed opinions, how effective each legislator is in accomplishing his or her objectives in the legislature - without regard to the legislator’s position on business issues.

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*A more detailed explanation of the terms and methods used in this report appears in Appendix A.*



## Virginia FREE Incumbent Evaluations - Senate Summary Results

District	Senator	Cumulative Business Rating	2012 Business Rating	2012 Vote Percentage	2012 Stewardship	2012 Effectiveness
S039	Barker, George L.	62	77	90%	63	64
S013	Black, Richard H.	77	77	95%	59	48
S014	Blevins, Harry B.	78	86	95%	76	66
S040	Carrico, Charles W.	69	79	90%	68	62
S029	Colgan, Charles J.	74	90	95%	84	83
S025	Deeds, R. Creigh	60	71	79%	62	62
S030	Ebbin, Adam P.	54	63	74%	51	48
S021	Edwards, John S.	55	69	80%	57	59
S031	Favola, Barbara A.	72	72	89%	55	48
S022	Garrett, Thomas A.	76	76	85%	67	59
S024	Hanger, Emmett W.	78	89	100%	77	79
S033	Herring, Mark R.	66	73	75%	71	72
S032	Howell, Janet D.	62	72	75%	68	79
S002	Locke, Mamie E.	54	63	68%	57	64
S018	Lucas, L. Louise	58	72	85%	59	64
S037	Marsden, David W.	65	71	79%	63	59
S016	Marsh, Henry L.	54	65	79%	50	51
S011	Martin, Stephen H.	73	82	95%	69	66
S004	McDougle, Ryan T.	78	86	94%	77	76
S009	McEachin, A. Donald	53	61	68%	53	61
S008	McWaters, Jeffrey L.	86	86	95%	76	70
S001	Miller, John C.	66	69	75%	63	60
S005	Miller, Yvonne B.	50	61	74%	48	52
S023	Newman, Stephen D.	77	84	95%	72	68
S003	Norment, Thomas K.	82	88	95%	81	89
S006	Northam, Ralph S.	70	88	100%	76	80
S026	Obenshain, Mark D.	74	83	94%	72	76
S034	Petersen, J. Chapman	60	73	84%	62	65
S038	Puckett, Phillip P.	70	81	85%	76	73
S036	Puller, Linda T.	64	77	89%	64	65
S017	Reeves, Bryce E.	77	77	89%	64	56
S015	Ruff, Frank M.	77	89	100%	77	69
S035	Saslaw, Richard L.	70	81	85%	77	87
S019	Smith, Ralph K.	73	77	89%	64	52
S020	Stanley, William M.	75	78	84%	71	70
S012	Stosch, Walter A.	86	95	100%	90	91
S028	Stuart, Richard H.	73	86	95%	76	74
S027	Vogel, Jill Holtzman	73	84	95%	73	71
S007	Wagner, Frank W.	83	92	100%	83	83
S010	Watkins, John	85	92	95%	88	89

## Virginia FREE Incumbent Evaluations - House Summary Results

District	Delegate	Cumulative Business Rating	2012 Business Rating	2012 Vote Percentage	2012 Stewardship	2012 Effectiveness
H042	Albo, David B.	77	85	85%	84	85
H089	Alexander, Kenneth C.	63	69	72%	65	62
H051	Anderson, Richard L.	79	83	90%	76	67
H095	BaCote, Mamye E.	55	62	70%	54	49
H020	Bell, Richard P.	79	81	90%	72	61
H058	Bell, Robert B.	70	80	90%	70	73
H048	Brink, Robert H.	58	65	70%	59	59
H037	Bulova, David L.	59	67	75%	58	60
H022	Byron, Kathy J.	75	84	95%	72	72
H069	Carr, Betsy B.	57	64	76%	51	48
H024	Cline, Benjamin L.	68	80	86%	73	65
H088	Cole, Mark L.	67	75	90%	60	52
H034	Comstock, Barbara J.	80	84	90%	77	69
H078	Cosgrove, John A.	74	87	95%	78	73
H055	Cox, John A.	87	89	95%	82	70
H066	Cox, M. Kirkland	74	86	90%	81	91
H006	Crockett-Stark, Anne B.	64	80	89%	70	64
H063	Dance, Rosalyn R.	63	72	85%	59	58
H002	Dudenhefer, L. Mark	76	76	88%	64	51
H060	Edmunds, James E., II	73	78	90%	66	57
H045	Englin, David L.	54	54	63%	45	47
H059	Fariss, C. Matthew	76	76	85%	67	58
H056	Farrell, Peter F.	81	81	88%	74	57
H041	Filler-Corn, Eileen	65	64	75%	53	54
H023	Garrett, T. Scott	78	82	90%	74	68
H015	Gilbert, C. Todd	70	85	95%	74	75
H032	Greason, Thomas A.	80	82	89%	75	73
H008	Habeeb, Gregory D.	80	80	85%	75	70
H017	Head, Christopher T.	79	79	86%	71	58
H091	Helsel, Gordon C., Jr.	83	83	95%	71	55
H046	Herring, Charniele L.	64	64	75%	53	51
H098	Hodges, M. Keith	82	82	90%	73	60
H047	Hope, Patrick A.	54	58	65%	50	49
H090	Howell, Algie T., Jr.	59	68	82%	53	47
H028	Howell, William J.	78	87	90%	84	96
H040	Hugo, Timothy D.	73	84	90%	78	85
H084	Iaquinto, Salvatore R.	75	87	95%	78	77
H062	Ingram, Riley E.	78	89	100%	78	70
H080	James, Matthew	77	78	80%	76	68
H079	Joannou, Johnny S.	67	79	84%	74	72
H004	Johnson, Joseph P., Jr.	67	82	90%	73	63
H076	Jones, S. Chris	79	88	95%	80	86
H035	Keam, Mark L.	69	69	75%	63	62
H001	Kilgore, Terry G.	78	89	90%	87	85
H081	Knight, Barry D.	85	88	95%	80	70
H038	Kory, Kaye	53	54	63%	44	40
H025	Landes, R. Steven	73	85	90%	80	80
H067	LeMunyon, James M.	76	82	90%	74	65
H100	Lewis, Lynwood W., Jr.	73	89	95%	82	73
H031	Lingamfelter, L. Scott	69	85	95%	74	70

## Virginia FREE Incumbent Evaluations - House Summary Results

District	Delegate	Cumulative Business Rating	2012 Business Rating	2012 Vote Percentage	2012 Stewardship	2012 Effectiveness
H049	Lopez, Alfonso H.	59	59	70%	48	43
H068	Loupassi, G. M. (Manoli)	74	83	90%	76	68
H014	Marshall, Daniel W.	78	86	90%	81	77
H013	Marshall, Robert G.	61	70	90%	49	46
H072	Massie, James P. (Jimmie)	76	86	90%	81	72
H033	May, Joe T.	76	83	84%	82	80
H071	McClellan, Jennifer L.	64	70	74%	65	67
H070	McQuinn, Delores L.	59	55	59%	51	49
H016	Merricks, Donald W.	86	86	90%	82	75
H050	Miller, Jackson H.	77	88	95%	80	76
H010	Minchew, J. Randall	76	83	89%	76	62
H003	Morefield, James W. (Will)	78	84	95%	72	59
H064	Morris, Richard L.	79	79	89%	68	56
H074	Morrissey, Joseph D.	58	57	65%	49	44
H073	O'Bannon, John M., III	75	84	90%	78	78
H005	O'Quinn, Israel D.	81	81	90%	72	58
H054	Orrock, Robert D., Sr.	73	78	81%	75	77
H097	Peace, Christopher K.	73	85	90%	79	74
H036	Plum, Kenneth R.	59	67	75%	59	60
H096	Pogge, Brenda L.	72	76	83%	69	63
H009	Poindexter, Charles D.	77	87	95%	79	69
H082	Purkey, Harry R.	77	88	100%	75	68
H019	Putney, Lacey E.	76	87	90%	83	88
H087	Ramadan, David I.	79	79	90%	68	51
H099	Ransone, Margaret B.	81	81	90%	71	59
H027	Robinson, Roxann L.	79	81	90%	71	58
H007	Rush, Larry N.	79	79	90%	67	54
H086	Rust, Thomas Davis	79	86	89%	82	78
H030	Scott, Edward T.	77	87	90%	83	77
H053	Scott, James M.	62	67	75%	59	57
H029	Sherwood, Beverly J.	73	84	90%	78	78
H043	Sickles, Mark D.	68	73	79%	66	66
H077	Spruill, Lionell, Sr.	60	71	84%	58	53
H083	Stolle, Christopher P.	82	86	95%	76	68
H044	Surovell, Scott A.	55	56	65%	47	45
H085	Tata, Robert	73	81	90%	72	69
H052	Torian, Luke E.	69	72	80%	64	54
H057	Toscano, David J.	61	68	70%	65	67
H075	Tyler, Roslyn C.	57	63	75%	51	48
H021	Villanueva, Ronald A.	83	81	90%	72	63
H092	Ward, Jeion A.	58	64	74%	54	45
H011	Ware, Onzlee	66	71	79%	62	59
H065	Ware, R. Lee, Jr.	73	84	85%	82	80
H093	Watson, Michael B.	86	86	100%	72	57
H039	Watts, Vivian E.	64	71	80%	62	56
H018	Webert, Michael J.	81	81	94%	68	56
H026	Wilt, Tony O.	76	79	90%	68	59
H061	Wright, Thomas C., Jr.	71	78	90%	66	52
H094	Yancey, David E.	80	80	89%	71	55
H012	Yost, Joseph R.	79	79	89%	69	54

## ***Part II - 2012 General Assembly Voting Records***

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Following is a detailed look at 2012 General Assembly voting records on issues of importance to business and industry.

This report does not portray a legislator's complete performance on important business issues. Nor does it include all legislation affecting business interests in Virginia. Rather, it provides a representative sample of important bills and votes affecting Virginia's business environment. All votes are shown as they appear in official General Assembly records. Virginia FREE's General Assembly voting records for 1990 through 2011 appear in earlier reports and are available at [www.vafree.com](http://www.vafree.com)

**An explanation of voting record methodology appears in Appendix A.**

**A description of the bills and votes in this report appears in Appendix B.**

### ***Key To Symbols:***

- +** = A vote in SUPPORT of the consensus business position.
- = A vote AGAINST the consensus business position.
- A** = ABSTAINED from voting.
- X** = NOT voting.

### **Vote Percentage**

The percentage of times the legislator voted in support of the consensus business position on votes used in Virginia FREE's Voting Record.

### **Committee Votes**

For committee votes, a blank indicates the legislator is not a member of that committee and therefore could not vote. Committee votes are noted in Appendix B.

# Senate Votes 2012

Senator	Winter Sports Safety Act	Small Business Investment Grant Fund	Secondary School Graduation Requirements	School Calendar	Public Education; Dual Enrollment	Environmental Permits; Upgrading Facilities	Natural Gas Utilities; Qualified Projects	Electric Transmission Lines; Approval Process	Governor's AG & Forestry Development Fund	Eminent Domain; Lost Access, Lost Profits	Machinery & Tools Investment Grant Program	Retail Sales and Use Tax; Data Center Exemptions	Income Tax Conformity	Retail Sales and Use Tax; Dealer Registration	Transportation Funding	Commercial Space Flight Funding	Virginia Port Authority	Project Labor Agreements	Workers' Compensation; Dual Coverage	Workers' Compensation; Presumptions	All-Payer Claims Database	Vote Percentage	
	SB 246	SB 344	SB 489	HB 1063	HB 1184	SB 504	SB 511	SB 418	SB 128	SB 437	SB 549	SB 112	SB 462	SB 597	SB 639	SB 284	SB 578	SB 242	HB 153	SB 328	SB 135		
Barker	+	+	+	+	+	+	+	+	+	-	+	+	+	+	+	+	+	+	-		+	90%	
Black	+	+	+	+	+	+	+	+	+	+	+	+	+	+	-	+	+	+	+	+		+	95%
Blevins	+	+	+	-	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+		+	95%	
Carrico	+	+	+	+	+	+	+	+	+	+	-	+	+	+	-	+	+	+	+	+		+	90%
Colgan	+	+	+		+	+	+	+	+	+	+	+	+	+	+	+	+	+	-	A	+	95%	
Deeds	+	+	-		+	+	+	+	+	+	-	+	+	+	+	+	+	-	-		+	79%	
Ebbin	-	+	+		+	+	+	+	+	-	+	+	+	+	+	+	-	-	-		+	74%	
Edwards	+	+	+		+	+	+	+	+	+	-	+	+	+	+	+	+	-	-	-	+	80%	
Favola	+	+	+		+	+	+	+	+	-	+	+	+	+	+	+	+	+	-		+	89%	
Garrett	+	+	+	-	+	+	+	+	+	+	+	+	+	-	-	+	+	+	+		+	85%	
Hanger	+	+	+		+	+	+	+	+	+	+	+	+	+	+	+	+	+	+		+	100%	
Herring	+	+	-		+	+	+	+	+	-	+	+	+	+	+	+	+	-	-	-	+	75%	
Howell	+	+	-	-	+	+	+	+	+	-	-	+	+	+	+	+	+	+	-		+	75%	
Locke	+	+	-	-	+	X	+	+	+	-	-	+	+	+	+	+	+	-	-		+	68%	
Lucas	+	+	+	+	+	+	+	+	+	-	-	+	+	+	+	+	+	+	-		+	85%	
Marsden	-	+	+		+	+	+	+	+	-	+	+	+	+	+	+	+	-	-		+	79%	
Marsh	+	+	-		+	+	+	+	+	+	-	+	+	+	+	+	+	-	-		+	79%	
Martin	+	+	+	+	+	+	+	+	+	+	+	+	+	+	-	+	+	+	+	+	+	95%	
McDougle	+	+	+		+	+	+	+	+	+	+	X	+	+	-	+	+	+	+		+	94%	
McEachin	-	+	-		+	+	+	+	+	-	-	+	+	+	+	+	+	-	-		+	68%	
McWaters	+	+	+	+	+	+	+	+	+	+	+	+	+	+	-	X	+	+	+	+	+	95%	
Miller, J.C.	+	+	-	+	+	+	+	+	+	-	+	+	+	+	-	+	+	-	-		+	75%	
Miller, Y.B.	+	+	-		+	+	+	+	+	-	-	X	+	+	+	+	+	-	-	+	+	74%	
Newman	+	+	+	+	+	+	X	X	+	+	+	+	+	+	-	+	+	+	+	+	+	95%	
Norment	+	+	+		+	+	+	+	+	+	+	+	+	+	+	-	+	+	+	+	+	95%	
Northam	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+		+	100%	
Obenshain	+	X	+		+	+	+	+	+	+	+	X	+	+	-	+	+	+	+	+	+	94%	
Petersen	-	+	+		+	+	+	+	+	+	+	+	+	+	+	+	+	-	-		+	84%	
Puckett	+	+	+		+	+	+	+	+	+	-	+	+	+	+	+	+	+	-	-	+	85%	
Puller	+	+	+		+	+	+	+	+	+	-	+	+	+	+	+	+	+	-		+	89%	
Reeves	+	+	+		+	+	+	+	+	+	+	+	+	-	-	+	+	+	+		+	89%	
Ruff	+	+	+		+	+	+	+	+	+	+	+	+	+	+	+	+	+	+		+	100%	
Saslaw	+	+	+	-	+	+	+	+	+	X	-	+	+	+	+	+	+	+	-	+	+	85%	
Smith	+	+	+	-	+	+	+	+	+	+	+	+	+	+	-	X	+	+	+		+	89%	
Stanley	+	+	+		+	+	+	+	+	+	+	+	+	-	-	+	+	+	X	-	+	84%	
Stosch	+	+	+		+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	100%	
Stuart	+	+	+		+	+	+	+	+	+	+	+	+	+	-	+	+	+	+	+	+	95%	
Vogel	+	+	+		+	+	+	+	+	+	+	+	+	+	-	+	+	+	+		+	95%	
Wagner	+	+	+		+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	100%	
Watkins	+	+	+		+	+	+	+	+	-	+	+	+	+	+	+	+	+	+	+	+	95%	

# House Votes 2012

Delegate	Winter Sports Safety Act	Small Business Investment Grant Fund	Secondary School Graduation Requirements	School Calendar	Public Education; Dual Enrollment	Environmental Permits; Upgrading Facilities	Natural Gas Utilities; Qualified Projects	Electric Transmission Lines; Approval Process	Governor's Agriculture & Forestry Development Fund	Eminent Domain; Lost Access, Lost Profits	Machinery & Tools Grant Amendment	Retail Sales and Use Tax; Data Center Exemption	BPOL Tax	Income Tax Conformity	Retail Sales & Use Tax; Dealer Registration	Commercial Space Flight Funding	Virginia Port Authority	Transportation Funding	Project Labor Agreement	Workers' Compensation; Dual Coverage	All-Payer Claims Database	Vote Percentage
	SB 246	HB 585	SB 489	HB 1063	HB 1184	SB 504	HB 559	HB 587	HB 766	HB 1035	HB 1301	HB 216	HB 10	HB 1153	SB 597	HB 813	HB 1183	HB 899	HB 33	HB 153	SB 135	
Albo	-	+	+	-	+	+	+	+	+	+	-	+	+	+	+	+	+		+	+	+	85%
Alexander	-	+	-	-	X	+	+	+	+	+	X	+	+	+	+	+	+		-	-	+	72%
Anderson	+	+	+	-	+	+	+	+	+	+	-	+	+	+	+	+	+		+	+	+	90%
BaCote	+	+	-	-	+	+	+	+	+	-	-	+	+	+	+	+	+		-	-	+	70%
Bell, Richard P.	+	+	+	-	+	+	+	+	+	+	-	+	+	+	+	+	+		+	+	+	90%
Bell, Robert B.	+	+	+	-	+	+	+	+	+	+	-	+	+	+	+	+	+		+	+	+	90%
Brink	+	+	-	-	+	+	+	+	+	-	+	+	-	+	+	+	+		-	-	+	70%
Bulova	+	+	-	-	+	+	+	+	+	-	+	+	+	+	+	+	+		-	-	+	75%
Byron	+	+	+	-	+	+	+	+	+	+	X	+	+	+	+	+	+		+	+	+	95%
Carr	+	+	-	-	+	+	+	+	+	-	+	+	+	+	+	+	+	+	-	-	+	76%
Cline	+	+	+	-	+	+	+	+	+	+	-	+	+	+	+	+	+		-	+	+	86%
Cole	+	+	+	+	+	+	+	+	+	+	-	+	+	+	-	+	+	X	+	+	+	90%
Comstock	+	+	+	-	+	+	+	+	+	+	-	+	+	+	+	+	+		+	+	+	90%
Cosgrove	+	+	+	+	+	+	+	+	+	+	-	+	+	+	+	+	+		+	+	+	95%
Cox, J.A.	+	+	+	+	+	+	+	+	+	+	-	+	+	+	+	+	+		+	+	+	95%
Cox, M.K.	+	+	+	-	+	+	+	+	+	+	-	+	+	+	+	+	+		+	+	+	90%
Crockett-Stark	+	+	+	-	+	+	+	+	+	+	-	+	+	+	+	+	+		X	+	+	89%
Dance	+	+	+	-	+	+	+	+	+	+	+	+	+	+	+	+	+		-	-	+	85%
Dudenhefer	+	X	+	-	+	+	+	+	+	+	-	X	+	X	+	+	X		+	+	+	88%
Edmunds	+	+	+	-	+	+	+	+	+	+	-	+	+	+	+	+	+		+	+	+	90%
Englin	-	X	-	-	+	+	+	+	+	X	+	X	-	+	+	X	X	+	-	-	+	63%
Fariss	+	+	+	-	+	+	+	+	+	+	-	+	+	+	+	+	+		+	+	-	85%
Farrell	X	+	+	-	+	+	A	A	+	+	-	+	+	+	+	+	+		+	+	+	88%
Filler-Corn	+	+	-	-	+	+	+	+	+	-	+	+	+	+	+	+	+		-	-	+	75%
Garrett	+	+	+	-	+	+	+	+	+	+	-	+	+	+	+	+	+		+	+	+	90%
Gilbert	+	+	+	+	+	+	+	+	+	+	-	+	+	+	+	+	+		+	+	+	95%
Greason	+	+	+	-	+	+	+	+	+	+	-	A	+	+	+	+	+		+	+	X	89%
Habeeb	-	+	+	-	+	+	+	+	+	+	-	+	+	+	+	+	+		+	+	+	85%
Head	+	+	+	-	+	+	+	+	+	+	-	+	+	+	+	+	+		-	+	+	86%
Helsel	+	+	+	+	+	+	+	+	+	+	-	+	+	+	+	+	+		+	+	+	95%
Herring	+	+	-	-	+	+	+	+	+	-	+	+	+	+	+	+	+		-	-	+	75%
Hodges	+	+	+	-	+	+	+	+	+	+	-	+	+	+	+	+	+		+	+	+	90%
Hope	-	+	-	-	+	+	+	+	+	-	+	+	-	+	+	+	+		-	-	+	65%
Howell, A.T.	+	+	-	-	+	X	+	+	+	+	+	+	+	+	+	X	+		-	X	+	82%

# House Votes 2012

Delegate	Winter Sports Safety Act	Small Business Investment Grant Fund	Secondary School Graduation Requirements	School Calendar	Public Education; Dual Enrollment	Environmental Permits; Upgrading Facilities	Natural Gas Utilities; Qualified Projects	Electric Transmission Lines; Approval Process	Governor's Agriculture & Forestry Development Fund	Eminent Domain; Lost Access, Lost Profits	Machinery & Tools Grant Amendment	Retail Sales and Use Tax; Data Center Exemption	BPOL Tax	Income Tax Conformity	Retail Sales & Use Tax; Dealer Registration	Commercial Space Flight Funding	Virginia Port Authority	Transportation Funding	Project Labor Agreement	Workers' Compensation; Dual Coverage	All-Payer Claims Database	Vote Percentage
	SB 246	HB 585	SB 489	HB 1063	HB 1184	SB 504	HB 559	HB 587	HB 766	HB 1035	HB 1301	HB 216	HB 10	HB 1153	SB 597	HB 813	HB 1183	HB 899	HB 33	HB 153	SB 135	
Howell, W. J.	+	+	+	-	+	+	+	+	+	+	-	+	+	+	+	+	+		+	+	+	90%
Hugo	+	+	+	-	+	+	+	+	+	+	-	+	+	+	+	+	+		+	+	+	90%
Iaquinto	+	+	+	+	+	+	+	+	+	+	-	+	+	+	+	+	+		+	+	+	95%
Ingram	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+		+	+	+	100%
James	-	+	+	+	+	+	+	+	+	-	+	+	+	+	+	+	+		-	-	+	80%
Joannou	-	+	+	+	+	+	+	+	+	+	-	+	+	+	+	+	+		-	X	+	84%
Johnson	+	+	+	-	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	-	+	90%
Jones	+	+	+	+	+	+	+	+	+	+	-	+	+	+	+	+	+		+	+	+	95%
Keam	+	+	-	-	+	+	+	+	+	-	+	+	+	+	+	+	+		-	-	+	75%
Kilgore	+	+	+	-	+	+	+	+	+	+	-	+	+	+	+	+	+		+	+	+	90%
Knight	+	+	+	+	+	+	+	+	+	+	-	+	+	+	+	+	+		+	+	+	95%
Kory	-	+	-	-	+	+	+	+	+	-	+	+	-	+	X	+	+		-	-	+	63%
Landes	+	+	+	+	+	+	+	+	+	+	-	+	+	+	+	+	+		+	+	-	90%
LeMunyon	+	+	+	-	+	+	+	+	+	+	-	+	+	+	+	+	+		+	+	+	90%
Lewis	-	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+		X	+	+	95%
Lingamfelter	+	+	+	+	+	+	+	+	+	+	-	+	+	+	+	+	+		+	+	+	95%
Lopez	+	+	-	-	+	+	+	+	+	-	+	+	-	+	+	+	+		-	-	+	70%
Loupassi	+	+	+	-	+	+	+	+	+	+	-	+	+	+	+	+	+		+	+	+	90%
Marshall, D.W.	+	+	+	-	+	+	+	+	+	+	-	+	+	+	+	+	+		+	+	+	90%
Marshall, R.G.	+	+	+	+	+	X	+	+	+	+	-	+	+	+	+	+	+	-	+	+	+	90%
Massie	+	+	+	-	+	+	+	+	+	+	-	+	+	+	+	+	+		+	+	+	90%
May	-	+	+	-	+	+	+	+	+	+	-	+	+	+	+	X	+		+	+	+	84%
McClellan	+	+	-	-	+	+	+	+	+	-	+	+	-	+	+	+	+		X	-	+	74%
McQuinn	-	+	-	-	+	+	X	X	+	-	+	+	-	+	+	+	+		-	-	X	59%
Merricks	+	+	+	-	+	+	+	+	+	+	-	+	+	+	+	+	+		+	+	+	90%
Miller	+	+	+	-	+	+	+	+	+	+	+	+	+	+	+	+	+		+	+	+	95%
Minchew	X	+	+	-	+	+	+	+	+	+	-	+	+	+	+	+	+		+	+	+	89%
Morefield	+	+	+	+	+	+	+	+	+	+	-	+	+	+	+	+	+		+	+	+	95%
Morris	+	+	+	-	+	+	+	+	+	+	-	+	+	+	+	X	+		+	+	+	89%
Morrissey	-	+	-	-	+	+	+	+	+	-	+	+	-	+	+	+	+		-	-	+	65%
O'Bannon	+	+	+	-	+	+	+	+	+	+	-	+	+	+	+	+	+		+	+	+	90%
O'Quinn	+	+	+	-	+	+	+	+	+	+	-	+	+	+	+	+	+	X	+	+	+	90%
Orrock	-	+	+	-	+	+	+	+	+	+	-	+	+	+	+	+	+	-	+	+	+	81%
Peace	-	+	+	+	+	+	+	+	+	+	-	+	+	+	+	+	+		+	+	+	90%

# House Votes 2012

Delegate	Winter Sports Safety Act	Small Business Investment Grant Fund	Secondary School Graduation Requirements	School Calendar	Public Education; Dual Enrollment	Environmental Permits; Upgrading Facilities	Natural Gas Utilities; Qualified Projects	Electric Transmission Lines; Approval Process	Governor's Agriculture & Forestry Development Fund	Eminent Domain; Lost Access, Lost Profits	Machinery & Tools Grant Amendment	Retail Sales and Use Tax; Data Center Exemption	BPOL Tax	Income Tax Conformity	Retail Sales & Use Tax; Dealer Registration	Commercial Space Flight Funding	Virginia Port Authority	Transportation Funding	Project Labor Agreement	Workers' Compensation; Dual Coverage	All-Payer Claims Database	Vote Percentage
	SB 246	HB 585	SB 489	HB 1063	HB 1184	SB 504	HB 559	HB 587	HB 766	HB 1035	HB 1301	HB 216	HB 10	HB 1153	SB 597	HB 813	HB 1183	HB 899	HB 33	HB 153	SB 135	
Plum	-	+	-	-	+	+	+	+	+	-	+	+	+	+	+	+	+		+	-	+	75%
Pogge	+	X	+	+	+	+	+	+	+	+	-	X	+	+	-	+	X	-	+	+	+	83%
Poindexter	+	+	+	+	+	+	+	+	+	+	-	+	+	+	+	+	+		+	+	+	95%
Purkey	+	+	+	X	+	+	+	+	+	+	X	+	+	+	+	+	+		+	+	+	100%
Putney	+	+	+	-	+	+	+	+	+	+	-	+	+	+	+	+	+		+	+	+	90%
Ramadan	+	+	+	-	+	+	+	+	+	+	-	+	+	+	+	+	+		+	+	+	90%
Ransone	+	+	+	-	+	+	+	+	+	+	-	+	+	+	+	+	+		+	+	+	90%
Robinson	+	+	+	-	+	+	+	+	+	+	-	+	+	+	+	+	+		+	+	+	90%
Rush	+	+	+	-	+	+	+	+	+	+	-	+	+	+	+	+	+		+	+	+	90%
Rust	A	+	+	-	+	+	+	+	+	+	-	+	+	+	+	+	+		+	+	+	89%
Scott, E.T.	+	+	+	-	+	+	+	+	+	+	-	+	+	+	+	+	+		+	+	+	90%
Scott, J.M.	+	+	-	-	+	+	+	+	+	-	+	+	+	+	+	+	+		-	-	+	75%
Sherwood	+	+	+	-	+	+	+	+	+	+	-	+	+	+	+	+	+		+	+	+	90%
Sickles	+	+	-	-	+	+	+	+	+	-	+	+	+	+	+	+	+		-	A	+	79%
Spruill	+	+	-	+	+	+	+	+	+	+	+	X	+	+	+	+	+		-	-	+	84%
Stolle	+	+	+	-	+	+	+	+	+	+	+	+	+	+	+	+	+		+	+	+	95%
Surovell	-	+	-	-	+	+	+	+	+	-	+	+	-	+	+	+	+		-	-	+	65%
Tata	+	+	+	-	+	+	+	+	+	+	-	+	+	+	+	+	+		+	+	+	90%
Torian	+	+	-	-	+	+	+	+	+	+	+	+	+	+	+	+	+		-	-	+	80%
Toscano	+	+	-	-	+	+	+	+	+	-	+	+	-	+	+	+	+		-	-	+	70%
Tyler	+	+	-	-	+	+	+	+	+	+	+	+	-	+	+	+	+		-	-	+	75%
Villanueva	+	+	+	+	+	+	+	+	+	+	-	+	+	+	+	+	+	-	+	+	+	90%
Ward	+	+	-	-	+	+	+	+	+	X	+	+	-	+	+	+	+		-	-	+	74%
Ware, O.	-	X	-	-	+	+	+	+	+	+	X	X	+	+	+	+	X		X	X	+	79%
Ware, R.L.	+	+	+	-	+	+	+	+	+	+	-	+	+	+	+	+	-		+	+	+	85%
Watson	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+		+	+	+	100%
Watts	-	+	-	-	+	+	+	+	+	+	+	+	+	+	+	+	+		-	+	+	80%
Webert	X	+	+	+	+	+	+	+	+	X	-	X	+	+	X	+	+		+	+	+	94%
Wilt	+	+	+	-	+	+	+	+	+	+	-	+	+	+	+	+	+		+	+	+	90%
Wright	+	+	+	-	+	+	+	+	+	+	-	+	+	+	+	+	+		+	+	+	90%
Yancey	+	+	+	-	+	+	+	+	+	X	-	+	+	+	+	+	+		+	+	+	89%
Yost	+	+	+	-	+	+	+	+	+	+	-	+	+	+	X	+	+		+	+	+	89%



## *List of Chief Patrons*

This list shows the legislators who were chief patrons of legislation used in the 2012 Virginia FREE Incumbent Evaluations that were **supported by business**.

David B. Albo.....	HB 899	- Retail Sales and Use Tax and motor fuels tax; funds for transportation
Kathy J. Byron.....	HB 1061	- Secondary school graduation requirements; diplomas
Mark L. Cole.....	HB 10	- BPOL tax; maximum fee and tax rates established by a locality
Barbara J. Comstock....	HB 33	- Public procurement; state agency agreements with labor organizations
	HB 216	- Retail Sales and Use Tax; exemption includes computer equipment & software
John A. Cosgrove.....	HB 1183	- Virginia Port Authority; amends provisions governing conduct of business
R. Creigh Deeds.....	SB 246	- Winter Sports Safety Act; limits liability of ski resorts & other sports operators
Mark R. Herring.....	SB 284	- Commercial space flight; funding and oversight
Johnny S. Joannou.....	HB 1035	- Eminent domain; definitions of lost access & profits, determining compensation
R. Steven Landes.....	HB 766	- Governor's Agriculture and Forestry Industries Development Fund
Daniel W. Marshall.....	HB 559	- Natural gas utilities; qualified projects
James P. Massie.....	HB 1153	- Income tax, state; conformity with federal law
Joe T. May.....	HB 813	- Commercial space flight; funding and oversight
Ryan T. McDougle.....	SB 112	- Retail Sales and Use Tax; exemption includes computer equipment & software
	SB 344	- Small Business Investment Grant Fund; created
Donald W. Merricks.....	HB 585	- Small Business Investment Grant Fund; created
	HB 587	- Electric transmission lines; approval process
Mark D. Obenshain.....	SB 242	- Public procurement; state agency agreements with labor organizations
	SB 246	- Winter Sports Safety Act; limits liability of ski resorts & other sports operators
	SB 437	- Eminent domain; definitions of lost access & profits, determining compensation
Linda T. Puller.....	SB 135	- Virginia All-Payer Claims Database; created
Frank M. Ruff.....	SB 489	- Secondary school graduation requirements; diplomas
Thomas Davis Rust.....	HB 1184	- Public education; dual enrollment for high school students
William M. Stanley.....	SB 128	- Governor's Agriculture and Forestry Industries Development Fund
	SB 418	- Electric transmission lines; approval process
Walter A. Stosch.....	SB 462	- Income tax, state; conformity with federal laws
David J. Toscano.....	HB 1301	- Machinery and Tools Investment Grant Floor Amendment to Budget Bill
Frank W. Wagner.....	SB 504	- Air quality, water quality or solid waste permits; facilities upgrading/new permit
	SB 511	- Natural gas utilities; qualified projects
	SB 549	- Machinery and Tools Investment Grant Program; created
	SB 578	- Virginia Port Authority; amends provisions governing conduct of business
	SB 597	- Retail Sales and Use Tax; sufficient activity to require dealer to register
	SB 639	- Transportation; provides revenues for construction and maintenance
R. Lee Ware, Jr.....	HB 153	- Workers' compensation; exclusion of certain employees

This list shows the legislators who were chief patrons of bills used in the 2012 Virginia FREE Incumbent Evaluations that were **opposed by business**.

Charles W. Carrico.....	SB 328	- Workers' compensation;, officers processing clandestine drug laboratories
Robert Tata.....	HB 1063	- School calendar; local boards responsible for determining opening of school

*A detailed explanation of these bills appears in Appendix B of this report.*

# APPENDIX A

## ***Terms and Methods for Virginia FREE Evaluations***

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### **CUMULATIVE BUSINESS RATING:**

Virginia FREE's Cumulative Business Rating indicates the average of each legislator's Virginia FREE Business Ratings for the past seven years or, for those taking office less than seven years ago, the average from the legislator's first year in office through the current year. For some, the Cumulative Business Rating may include prior service in the Virginia General Assembly.

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### **BUSINESS RATING:**

The Virginia FREE Business Rating is the legislator's score based on Virginia FREE evaluations of incumbent performance on important business issues. Each legislator's Business Rating is determined by averaging the results of two tests:

- 1) Incumbent Voting Records on important business issues
- 2) The Virginia FREE Stewardship Evaluation of legislators

The Business Rating is on a 100-point scale where 100 is the highest possible rating.

#### **Business Rating Scale**

**Base** - Legislators with a Business Rating of *75 or above*;  
*consistent* supporters of pro-business views.

**Swing** - Legislators with a Business Rating of *74-55*;  
*frequent* supporters of pro-business views.

**Occasional** - Legislators with a Business Rating *below 55*;  
*occasional* supporters of pro-business views.

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### **VOTING RECORDS:**

Virginia FREE compiles annual voting records of all General Assembly members on important legislation affecting business and industry. This evaluation does not portray a legislator's *complete* performance on important business issues. Nor does it include *all* legislation affecting business and industry. Rather, it provides a representative sample of important bills and votes affecting Virginia's business environment. Voting Record scores are combined with Stewardship Evaluations to determine each legislator's Business Rating.

To compile Voting Records, all Virginia FREE members are asked to submit at least five bills from each legislative session affecting their business interests and to indicate whether they favor or oppose each one. *Virginia FREE takes no position on legislation and therefore stringently follows the consensus position of its members.*

(Appendix A continued)

Members submit hundreds of bills each year to be considered for use in Voting Records. Bills and votes are then reviewed and selected by the Virginia FREE Evaluations Committee and approved by the Board of Directors.

To be included in Voting Record evaluations, a bill must meet the following criteria:

- 1) A meaningful vote must be recorded on the bill.
- 2) The bill must be of substantial concern to a broad base of business interests.
- 3) There must be a consensus position on the bill among Virginia FREE members & the Virginia FREE board of directors.

In this report, "Vote Percentage" is the percentage of votes cast by the legislator in support of the predominant business position on important business issues used in Virginia FREE voting records from the 2012 General Assembly session.

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### **STEWARDSHIP:**

The Stewardship Evaluation is the result of an annual survey of about 100 Virginia FREE member government affairs professionals to determine, in their informed opinions, the percentage of time each legislator can be counted on to advocate the best interests of business and industry. Stewardship Evaluation ratings are combined with Voting Records to determine a legislator's Business Rating.

To determine Stewardship Evaluations, Virginia FREE member government affairs professionals are asked to complete a confidential, anonymous survey in which they subjectively evaluate legislators on a 10-point scale from 10 - 100 where 100 represents the most pro-business score. In gauging the level of stewardship displayed by an individual legislator, survey participants are asked to consider the percentage of time each legislator can be counted on to advocate the best interests of business and industry in Virginia. They are asked to take into account each legislator's commitment to responsible governance that rises above partisanship and serves the long-term economic health and competitiveness of the Commonwealth. Survey participants are asked to also consider each legislator's willingness to advance measures that:

- Encourage economic development, business investment, job creation, and the efficient, productive use of government resources
- Protect Virginia's tradition of sound financial management and our favorable business environment

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### **EFFECTIVENESS:**

The Effectiveness Rating is the result of an annual survey of Virginia FREE member government affairs professionals to determine, in their informed opinions, how effective each legislator is in accomplishing his or her legislative objectives - without regard to the legislator's position on business issues.

To determine the Effectiveness Rating, Virginia FREE member government affairs professionals are asked to complete a confidential, anonymous survey in which they rate the level of effectiveness of each legislator on a 10-point scale from 10-100 where 100 represents extremely effective. The results of all survey forms are averaged to determine each legislator's Effectiveness Rating.

# APPENDIX B

## *Summary of Bills & Votes*

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### **Economic Development**

#### **HB 585 and SB 344 – Small Business Investment Grant Fund; created**

**Donald W. Merricks and Ryan T. McDougle**

**Supported by Business; Passed**

Creates the small business investment grant fund and program which would provide a grant equal to 10 percent of a qualified investment in a small business for an eligible investor. Grants would be paid from such funds as may be appropriated by the General Assembly.

**Votes:** **HB 585:** 03/05/12 House: VOTE: ADOPTION (96-Y 0-N)

**SB 344:** 03/05/12 Senate: Conference report agreed to by Senate (39-Y 0-N)

*Re: HB 585*

*Delegate Webert was recorded as not voting. Intended to vote yea.*

*Delegate Pogge was recorded as not voting. Intended to vote yea.*

#### **HB 766 and SB 128– Governor’s Agriculture and Forestry Industries Development Fund; established, report**

**R. Steven Landes and William M. Stanley, Jr.**

**Supported by Business; Passed**

Creates the Governor's Agriculture and Forestry Industries Development Fund. The bill establishes an economic development grant and loan program targeted specifically at agricultural and forestry operations. Grants and loans will be awarded to support localities' efforts to attract value-added or processing facilities using Virginia-grown products. Under the program, localities will apply for grants or loans after having established a relationship with a new or expanding business.

**Votes:** **HB 766:** 02/14/12 House: VOTE: PASSAGE (100-Y 0-N)

**SB 128:** 03/06/12 Senate: House substitute agreed to by Senate (40-Y 0-N)

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### **Education**

#### **HB 1063 – School calendar; local school boards responsible for determining opening of school year**

**Robert Tata**

**Opposed by Business; Passed the House but Failed in Senate Committee**

Would have made local school boards responsible for setting the school calendar and determining the opening of the school year and eliminated the post-Labor Day opening requirement and "good cause" scenarios for which the Board of Education could grant waivers of this requirement.

**Votes:** 02/02/12 House: VOTE: PASSAGE (76-Y 23-N)

03/01/12 Senate: Failed to report (defeated) in Education and Health (6-Y 9-N)

#### **HB 1184 – Public education; dual enrollment for high school students**

**Thomas Davis Rust**

**Supported by Business; Passed**

Requires local school boards and community colleges to develop agreements allowing high school students to complete an associate's degree or a one-year Uniform Certificate of General Studies from a community college concurrent with a high school diploma.

**Votes:** 02/22/12 House: VOTE: ADOPTION (99-Y 0-N)

02/20/12 Senate: Passed Senate with amendment (40-Y 0-N)

*Delegate Alexander was recorded as not voting. Intended to vote yea.*

**SB 489 – Secondary school graduation requirements; diplomas**

**Frank M. Ruff, Jr. (and HB 1061 patron Kathy J. Byron)**

**Supported by Business; Passed**

Directs the Board of Education to modify the credits necessary for a student to earn a standard or an advanced studies diploma. The advanced studies diploma shall be the recommended diploma for students pursuing baccalaureate study. The standard diploma shall include a concentration in career and technical education and a requirement to earn a career and technical education credential. Standard or advanced studies diploma will require the successful completion of one virtual course. The modified standard diploma is eliminated, but the Board shall make provisions in regulation for students with disabilities to earn a standard diploma. The Board shall promulgate regulations to implement the provisions of this act to be effective within 280 days of its enactment. This bill is identical to HB 1061.

Votes: 02/23/12 House: VOTE: PASSAGE (73-Y 27-N)

02/27/12 Senate: House substitute agreed to by Senate (32-Y 8-N)

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**Eminent Domain**

**HB 1035 and SB 437 – Eminent domain; definitions of lost access & lost profits, determining compensation**

**Johnny S. Joannou and Mark D. Obenshain**

**Supported by Business; Passed**

Provides definitions for the terms "lost profits" and "lost access" and how to determine the amount of just compensation, which includes lost profits and lost access resulting from the taking, that must be paid for property taken by eminent domain. The bill has a contingent effective date of January 1, 2013, provided that the voters approve an amendment to Section 11 of Article I of the Constitution of Virginia at the 2012 November election.

Votes: HB 1035: 02/29/12 House: VOTE: ADOPTION (77-Y 19-N)

SB 437: 03/08/12 Senate: House amendments agreed to by Senate (27-Y 12-N)

*Re: HB 1035 Delegate Ward was recorded as not voting. Intended to vote nay.*

*Delegate Weibert was recorded as not voting. Intended to vote yea.*

*Delegate Yancey was recorded as not voting. Intended to vote yea.*

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**Environment and Energy**

**HB 559 and SB 511 – Natural gas utilities; qualified projects**

**Daniel W. Marshall, III and Frank W. Wagner**

**Supported by Business; Passed**

Permits a natural gas utility to construct the necessary facilities of a qualifying project and to recover the eligible infrastructure development costs necessary to develop the eligible infrastructure for designated projects in future rates. Eligible infrastructure development costs include planning, development, and construction costs and, if applicable, an allowance for funds used during construction, in addition to a return on investment, a revenue conversion factor, depreciation, and property taxes.

A qualifying project is an economic development project requiring natural gas service as to which the natural gas utility has made a good faith determination that (i) it is located in an area where adequate natural gas infrastructure is not available; (ii) eligible infrastructure will provide opportunities for increased natural gas usage and economic development benefits in the area of the eligible infrastructure in addition to those provided by the subject project; (iii) either the developer or occupant of the proposed project shall provide, prior to the initiation of service, a binding commitment to the natural gas utility regarding capacity needed for a period of at least five years from the date gas is made available, which commitment covers a level of service no less than 50 percent of the capacity of the gas facilities to serve such project, or the natural gas utility receives a financial guaranty from the developer or state or local government in the amount of at least 50 percent of the estimated investment to be made by the natural gas utility in the proposed project; (iv) the natural gas utility has negotiated with the project's developer or occupant in

an attempt to reach agreement on a commitment for the entire aid to construction otherwise required to cover the cost of the necessary eligible infrastructure; and (v) the projected non-gas revenues from the proposed project will not be sufficient to cover the cost of service associated with the necessary eligible infrastructure after accounting for any aid to construction contributed by the developer of the project or the person that will occupy the proposed project.

Natural gas utilities are required to account for the actual monthly eligible infrastructure development costs incurred on the cumulative investment in eligible infrastructure in excess of any aid to construction contributed by the developer of the project or the person that will occupy the proposed project as a deferred cost until new base rates and charges that incorporate eligible infrastructure development costs become effective for the utility. Transportation and storage quantities of contracts entered into by a natural gas utility for the acquisition of upstream pipeline capacity to meet the reasonably anticipated service requirements of a qualifying project and other service requirements to be served through the eligible infrastructure shall be deemed prudent and reasonable.

Votes: HB 559: 01/25/12 House: VOTE: PASSAGE (98-Y 0-N 1-A)  
SB 511: 01/27/12 Senate: Read third time and passed Senate (39-Y 0-N)

*Re: HB 559 Delegate McQuinn was recorded as not voting. Intended to vote yea.*

**HB 587 and SB 418 – Electric transmission lines; approval process**

**Donald W. Merricks and William M. Stanley, Jr.**

**Supported by Business; Passed**

Eliminates the requirement that an electric transmission line of 138 kV obtain State Corporation Commission approval, based on findings that the line is needed and that its corridor or route will reasonably minimize adverse impact on the scenic assets, historic districts, and environment of the area concerned, if a certificate of public convenience and necessity for the line is not required. The measure provides that such a certificate is not required for such a line if the public utility has obtained approval pursuant to requirements regarding local planning commission approval of the comprehensive plan and applicable local zoning ordinances by the locality or localities in which the transmission line will be located.

Votes: HB 587: 01/25/12 House: VOTE: PASSAGE (98-Y 0-N 1-A)  
SB 418: 01/27/12 Senate: Read third time and passed Senate (39-Y 0-N)

*Re: HB 587 Delegate McQuinn was recorded as not voting. Intended to vote yea.*

**SB 504 – Air quality, water quality or solid waste permits; facilities upgrading and requiring new permit**

**Frank W. Wagner**

**Supported by Business; Passed**

Allows operators of facilities that hold air quality, solid waste, or water quality permits to install new technology, equipment, or other apparatus at the permitted facility without having to obtain a new, modified, or amended permit so long as they can demonstrate that the new technology will result in increased energy efficiency and improved environmental conditions.

Votes: 02/08/12 Senate: Read third time and passed Senate (39-Y 0-N)  
02/24/12 House: VOTE: BLOCK VOTE PASSAGE (98-Y 0-N)

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**Insurance**

**SB 135 – Virginia All-Payer Claims Database; created**

**Linda T. Puller**

**Supported by Business; Passed**

Establishes the Virginia All-Payer Claims Database system, in order to facilitate data-driven, evidence-based improvements in access, quality, and cost of health care and to improve the public health through understanding of health care expenditure patterns and operation and performance of the health care system. Entities that choose to submit claims data to the database shall do so pursuant to data use and submission agreements executed with the nonprofit organization that contracts with the Commissioner of Health for public health data needs. The bill also directs the Commissioner to develop a work group to study continuing health information needs in the Commonwealth.

Votes: SB 135: 03/09/12 Senate: Conference report agreed to by Senate (40-Y 0-N)  
03/08/12 House: VOTE: ADOPTION (96-Y 2-N)

**SB 246 – Winter Sports Safety Act; limits liability of ski resorts and other winter sports area operators**

**Mark D. Obenshain and R. Creigh Deeds**

**Supported by Business; Passed**

Limits the liability of ski resorts and other winter sports area operators when death, personal injury, or property damage is caused by an inherent risk of participating in a winter sport. Winter sports area operators are required to post warning signs notifying participants that they assume the risk of participating in a winter sport. The Act sets out the duties and responsibilities of both winter sports participants and operators. Participants are presumed to have known the inherent risks of a winter sport, to have fully appreciated the nature and extent of such risks, and to have voluntarily exposed themselves to such risks. The Act does not limit liability for acts or omissions that constitute negligence or gross negligence, or for situations in which the operator recklessly, knowingly, or intentionally commits an act or omission that causes death, personal injury, or damage to property; however, assumption of risk and contributory negligence by the participant are complete bars to recovery.

Votes: 03/01/12 House: VOTE: PASSAGE (78-Y 18-N 1-A)  
03/06/12 Senate: House substitute agreed to by Senate (36-Y 4-N)

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**Taxation**

**HB 10 – BPOL tax; maximum fee and tax rates established by a locality**

**Mark L. Cole**

**Supported by Business; Passed House but Carried Over in Senate Committee**

Would have prohibited a locality from increasing its local license (BPOL) fees or taxes above the rates of its BPOL fees and taxes imposed for the 2011 license year. The prohibition on increasing BPOL fees and taxes would expire beginning with the 2015 license year. The bill would have authorized a locality to impose the BPOL tax on (i) gross receipts or (ii) the Virginia taxable income of a corporation, the net income of a sole proprietorship, and the net income of a pass-through entity.

Vote: 02/02/12 House: VOTE: PASSAGE (88-Y 12-N)

*Delegate BaCote was recorded as yea. Intended to vote nay.*

**HB 216 and SB 112 – Retail Sales and Use Tax; exemption includes certain computer equipment and enabling software**

**Barbara J. Comstock and Ryan T. McDougale**

**Supported by Business; Passed**

Expands the sales and use tax exemption for the purchase or lease of computer equipment or enabling software by data centers by extending it to tenants of the centers, and by including jobs created not only by the data center operator but also by the tenants of the data center in collectively meeting the level of new jobs required for eligibility for the exemption.

Votes: HB 216: 03/05/12 House: VOTE: ADOPTION (93-Y 0-N 1-A)  
SB 112: 03/05/12 Senate: Conference report agreed to by Senate (37-Y 0-N)

*Re: HB 216 Delegate Webert was recorded as not voting. Intended to vote yea.  
Delegate Pogge was recorded as not voting. Intended to vote yea.*

**HB 1153 and SB 462 – Income tax, state; conformity with federal law**

**James P. Massie, III and Walter A. Stosch**

**Supported by Business; Passed**

Allows the entire amount of the deduction allowed for domestic production activities pursuant to § 199 of the

Internal Revenue Code to be deducted for Virginia income tax purposes for taxable years beginning on and after January 1, 2013.

Votes: HB 1153: 02/14/12 House: VOTE: PASSAGE (99-Y 0-N)  
SB 462: 02/29/12 Senate: House substitute agreed to by Senate (40-Y 0-N)

**HB 1301 – Machinery and Tools Investment Grant Floor Amendment to Budget Bill**

**David J. Toscano floor amendment**

**Supported by Business, Amendment Defeated on House Floor**

Appropriations of the Budget providing a portion of revenues for the two years ending respectively on the thirtieth day of June, 2013, and the thirtieth day of June, 2014. The amendment to Item 105 #11h would have provided the funding to capitalize the Machinery and Tools Investment Grant Fund in the amount of \$3 Million for each year of the Budget.

Vote: 03/02/12 House: VOTE: REJECTED (32-Y 64-N)

**SB 549 – Machinery and Tools Investment Grant Program; created**

**Frank W. Wagner**

**Supported by Business; Passed the Senate but Failed in House Committee**

Would have created a grant program that would allow a person to apply for a grant for machinery and tools in service less than two years equal to the amount of local machinery and tools taxes paid. The amount of the grant would be capped at the amount of taxes that would be paid under that rate of tax imposed on June 30, 2012. The grant program would be administered by the Department of Accounts.

Vote: 02/14/12 Senate: Passed Senate (28-Y 12-N)

**SB 597 – Retail Sales and Use Tax; presumption of sufficient activity to require dealer to register**

**Frank W. Wagner**

**Supported by Business; Passed**

Creates a legal presumption to require registration by a dealer for collection of retail sales and use taxes if any commonly controlled person maintains a distribution center, warehouse, fulfillment center, office, or similar location within the Commonwealth that facilitates the delivery of property sold by the dealer to its customers. The presumption can be rebutted by demonstrating that the activities conducted by the commonly controlled person in the Commonwealth are not significantly associated with the dealer's ability to establish or maintain a market in the Commonwealth for the dealer's sales. The effective date of the bill depends upon whether federal legislation passes authorizing states to require remote sellers to collect sales taxes on sales to in-state purchasers and the effective date of such federal legislation.

Votes: 02/27/12 House: VOTE: PASSAGE (95-Y 2-N)  
02/29/12 Senate: House substitute agreed to by Senate (37-Y 3-N)  
*Delegate Webert was recorded as not voting. Intended to vote yea.*

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**Transportation**

**HB 813 and SB 284 – Commercial space flight; funding and oversight**

**Joe T. May and Mark R. Herring**

**Supported by Business; Passed**

Reconstitutes the Board of the Virginia Commercial Space Flight Authority by reducing the number of Board members from 13 to nine and providing for all current appointments to the Board to expire on July 1, 2012. The bill provides that as of a certain date current employees of the Authority could elect not to be employed by the Authority. Any employee (i) making such election who is not rehired by another state agency or (ii) not making the election but who is not offered an opportunity to remain with the Authority would be eligible for severance benefits under the Workforce Transition Act. The bill allows the Authority to establish an alternative to the Virginia Retirement System defined benefit retirement plan for its employees as well as alternative health insurance,



deferred compensation, and disability benefit plans. The bill makes several other changes to the administrative powers and duties of the Authority.

The bill limits to \$50 million the outstanding principal amount of non-revenue bonds issued by the Authority at all times. Each fiscal year the bill transfers \$7.5 million from the Transportation Trust Fund to the Commonwealth Space Flight Fund administered by the Board of Directors of the Authority to support the capital needs, maintenance, and operating costs of facilities owned and operated by the Authority.

Votes: HB 813: 03/10/12 House: VOTE: ADOPTION (96-Y 0-N)  
SB 284: 3/10/12 Senate: Conference report agreed to by Senate (37-Y 1-N)

*Re: HB 813 Delegate May was recorded as not voting. Intended to vote yea.  
Delegate Pogge was recorded as yea. Intended to vote nay.  
Delegate Weibert was recorded as yea. Intended to vote nay.*  
*Re: SB 284 Senator McWaters was recorded as not voting. Intended to vote yea.*

### **HB 899 – Retail Sales and Use Tax and motor fuels tax; funds for transportation**

**David B. Albo**

**Supported by Business; Failed in House Subcommittee**

Would have provided funds for statewide transportation by indexing the motor fuels tax rate to the National Highway Construction Cost Index. The bill also would have allocated a portion of current sales and use tax revenue by (i) dedicating the revenue equal to a one quarter percent sales and use tax in Northern Virginia for transportation projects in Northern Virginia, and (ii) dedicating the revenue equal to a one-quarter percent sales and use tax in Hampton Roads for transportation projects in Hampton Roads.

Vote: 02/08/12 House: Subcommittee recommends laying on the table (6-Y 3-N)

### **HB 1183 and SB 578 – Virginia Port Authority; amends several provisions governing conduct of business**

**John A. Cosgrove and Frank W. Wagner**

**Supported by Business; Passed**

Amends several provisions relating to the Virginia Port Authority and the conduct of its business. The bill (i) extends until 2017 the international trade facility tax credit, the barge and rail usage tax credit, and the Virginia port volume increase tax credit; (ii) specifies that the members of the Authority have expertise in particular industries; (iii) authorizes the Board to form a Maritime Advisory Council to provide advice and counsel to the Board; and (iv) creates the Port Opportunity Fund for the development and implementation of marketing for the Port and to expand the use of the Virginia Port Authority facilities. The bill also requires the Governor make recommendations to General Assembly regarding the establishment of an economic development zone and incentives concerning the Port.

Votes: HB 1183: 03/05/12 House: VOTE: ADOPTION (95-Y 1-N)  
SB 578: 03/06/12 Senate: Conference report agreed to by Senate (39-Y 1-N)

*Re: HB 1183 Delegate Weibert was recorded as not voting. Intended to vote yea.  
Delegate Pogge was recorded as not voting. Intended to vote yea.*

### **SB 639 – Transportation; provides revenues for construction and maintenance**

**Frank W. Wagner**

**Supported by Business; Passed**

Provides for the construction, maintenance, and funding of transportation by (i) increasing transportation's share of year-end surpluses to 67 percent, and (ii) authorizing the Commonwealth Transportation Board (CTB) to name highways, bridges, interchanges, and other transportation facilities for private entities if an annual naming rights fee is paid, with the revenue dedicated to highway maintenance and operation. The bill also charges the CTB with greater responsibilities involving integration of land use and transportation planning and authorizes the CTB to withhold federal and state funds for certain local or regional capital improvement projects if those projects are

inconsistent with the Statewide Transportation Plan or the Six-Year Improvement Program. Provision is made for use of "revenue-sharing" funds for secondary highway system maintenance projects carried out by local governments. The bill provides for special allocations by the CTB for bridge reconstruction, high priority highway projects, and reconstruction of highways with particularly deteriorated pavements. Finally, the bill establishes an annual \$50 license tax for electric motor vehicles registered in the Commonwealth.

Vote: SB 639: 02/14/12 Senate: Passed Senate (26-Y 14-N)

## **Workplace**

### **HB 33 and SB 242 – Public procurement; state agency agreements with labor organizations**

**Barbara J. Comstock and Mark D. Obenshain**

**Supported by Business; Passed**

Requires state agencies to ensure that neither the state agency nor any construction manager acting on behalf of the state agency shall, in its bid specifications, project agreements, or other controlling documents relating to the operation, erection, construction, alteration, improvement, maintenance, or repair of any public facility of public works, (i) require or prohibit bidders, offerors, contractors, or subcontractors to enter into or adhere to agreements with one or more labor organizations, on the same or related projects, or (ii) discriminate against bidders, offerors, contractors, subcontractors, or operators for becoming or refusing to become or remain signatories or otherwise to adhere to agreements with one or more labor organizations, on the same or other related public works projects.

Votes: HB 33: 01/31/12 House: VOTE: PASSAGE (69-Y 27-N)  
SB 242: 02/23/12 Senate: House amendment agreed to by Senate (29-Y 11-N)

*Re: HB 33 Delegate Crockett-Stark was recorded as not voting. Intended to vote yea.  
Delegate Lewis was recorded as not voting. Intended to vote nay.*

### **HB 153 – Workers' compensation; exclusion of certain employees**

**R. Lee Ware, Jr.**

**Supported by Business; Passed**

Excludes a person who suffers an injury on or after July 1, 2012, from coverage under the Virginia Workers' Compensation Act if there is jurisdiction under either the Longshore and Harbor Workers' Compensation Act or the Merchant Marine Act of 1920. The measure provides that the Workers' Compensation Act will not be construed to eliminate or diminish any right that a person or his personal representative may have under either of such federal acts.

Votes: 02/06/12 House: VOTE: PASSAGE (70-Y 26-N 1-A)  
02/28/12 Senate: Passed Senate (20-Y 19-N)

### **SB 328 – Workers' compensation; establishes presumption, officers processing clandestine drug laboratories**

**Charles W. Carrico, Sr.**

**Opposed by Business; Failed in House Committee**

Would have established a presumption that any respiratory disease or pancreatic, prostate, rectal, throat, ovarian, or breast cancer causing the death of, or any health condition or impairment resulting in total or partial disability of, a sworn law enforcement officer who was certified to process clandestine drug laboratories is an occupational disease suffered in the line of duty. The presumption (i) may be overcome by a preponderance of competent evidence to the contrary and (ii) applies if the affected officer underwent a physical examination in accordance with his employer's mandated written safety and health program.

Vote: 01/30/12 Senate: Passed by indefinitely in Commerce and Labor (11-Y 4-N 1-A)