

Legislative Report- 2/3/2013

The X-Factor

The redistricting bill (HB 259), which redraws the Senate districts is the X-factor that could have a profound impact on a variety of the most pressing issues before the General Assembly, including transportation funding. The bill has been awaiting action on the House floor for 10 days. The Speaker has delayed action on the measure until next Wednesday (though most observers believe that action on the bill could be delayed even longer). The Governor and the House leadership can clearly use the redistricting bill as leverage over both the Senate Republicans and the Senate Democrats, and there has been speculation that the fate of redistricting bill may influence how Senate Republicans will address the Governor's transportation funding package.

Transportation Funding

This week both the House and the Senate money committees took action on the Governor's transportation funding bills. Both Chambers passed the Governor's package with limited amendments, including language that would prohibit placing tolls on Interstate 95 until a study could be completed to assess whether the new transportation plan would eliminate the need to institute tolls on 95. The House Finance Committee saw a lengthy debate on HB 2313. Speaker Howell, who is the patron of the bill, presented the measure before the House Finance Committee (it is rare to see the Speaker of the House present a bill before committee). There were several other funding bills that could have been considered by the Committee. In an unexpected turn of events, Delegate Rich Anderson (R-Prince William County) offered a substitute on behalf of himself, Delegate Dave Albo (R-Fairfax County), Delegate Tom Rust (R-Fairfax County), and Delegate Jim LeMunyon (R-Fairfax County). The substitute would retain the gas tax and provide an indexing component, while providing an optional 0.5% sales tax and grantor's tax for transportation in Northern Virginia and Hampton Roads. The substitute increases the sales tax by .5% and also eliminates 2.5% tax on food. The House Finance Committee never took up Delegate Anderson's substitute, and instead voted 14-8 to send the Speaker's bill to the House floor (it is likely that some of the Northern Virginia Republicans may attempt to amend the Speaker's bill on the floor of the House to include a number of the provisions that were included in the substitute that was not acted on in the Finance Committee). Those who opposed the Governor's package included five conservative Republicans who were uncomfortable with fee increases included in the bill, and three Democrats who felt the revenues generated were inadequate. It is worth noting that the margin of victory for the funding package came from four Democrats who supported the Governor and the Speaker.

Two days later the Senate Finance committee voted along party lines (10-5) to report SB 1355 (the companion bill to HB 2313) patroned by Transportation Committee Chair Senator Newman (R-Lynchburg) to the full Senate. While all of the Republicans on the Senate Finance Committee supported the Governor's package, it is worth noting that a number of the Republicans who supported the bill in Committee were scathing in their comments regarding what they perceived to be the numerous shortcomings of the bill (for example, Senator Emmett Hanger (R-Augusta County) noted that eliminating the gas tax was the wrong approach). Some Republican members of the Finance Committee said that their vote in support of the bill "keeps the conversation going" on the transportation funding issue. It appears that a number of Senate Republicans are prepared to a number of amendments to the Governor's package on the floor of the Senate. It is likely that this bill could undergo some major revisions before the final floor vote this week.

Legislation of Interest:

Mechanics Lien:

Delegate Scott Surovell (D-Fairfax County) has advanced a mechanics lien bill that was of potential concern to VUHCC members. HB 1913 provides that a person who is not a licensed contractor may not claim a mechanic's lien if a valid contractor's license or certificate was required by law for the labor performed or materials furnished. The bill also requires that a person include on the memorandum for a mechanic's lien his license or certificate number. Since the bill allows for the possibility that a lien could be invalidated if a contractor inadvertently makes a mistake regarding either his license or certificate number, VUHCC was able to work with the patron and secure an amendment to protect contractors from such a circumstance. The patron agreed to include the amendment and it passed the full Courts of Justice Committee, as amended, early in the week with passage from the full House happening at the end of the week. This bill is now awaiting Senate committee assignment and post-crossover action in that Chamber.

Procurement:

One of the most significant procurement bills of the session is HB 2079 sponsored by the Chairman of the General Laws Committee, Chris Jones (R-Suffolk). The bill, which Delegate Jones is carrying for the Governor, would reorganize the definitions of competitive sealed bidding and competitive negotiation, and would also add a definition of job order contracting. The full committee passed this bill unanimously on Thursday and it has been sent to the House for floor action this week.

Restrictions on Cell Phones and Texting:

HB 1907, patroned by Delegate Rich Anderson (R-Prince William) was passed out of the full Courts of Justice committee this week, after a good deal of discussion and amendments. This bill combines several texting-and-driving bills, and makes reading or sending text while driving a primary offense punishable by a \$250 fine for the first violation. The bill passed the House Courts of Justice Committee unanimously and will be considered by the full House of Delegates this week.

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VUHCC: Complete Bill List

Composite view

Bills	Committee	Last action	Date
HB 1302 - Loupassi - Tolling fees; prevents VDOT from charging monthly fees for payment program and its transponders.	(H) Committee on Transportation	(H) Tabled in Transportation (13-Y 9-N)	01/24/13
HB 1328 - Marshall, R.G. - Highways, Commissioner of; agreements with localities.	(H) Committee on Transportation	(H) Assigned Transportation sub: #1	01/11/13
HB 1360 - Cline - Reckless driving; using a handheld personal communications device, penalty.	(H) Committee for Courts of Justice	(H) Subcommittee recommends incorporating (HB1907-Anderson)	01/21/13
HB 1384 - May - Transportation Accountability, Joint Commission on; removes obsolete provision.	(H) Committee on Rules (S) Committee on Rules	(S) Referred to Committee on Rules	01/22/13
HB 1386 - Tata - Overweight vehicle permits; allows court to invalidate standard permit in certain circumstances.	(H) Committee on Transportation	(H) Stricken from docket by Transportation	01/17/13
HB 1403 - Cole - Retail Sales and Use Tax; increases amount of revenue dedicated to Transportation Trust Fund.	(H) Committee on Finance	(H) Incorporated by Finance (HB2313-Howell, W.J.)	01/23/13
HB 1404 - Cole - Residential development; impact fees to defray costs of public facilities.	(H) Committee on Counties, Cities and Towns	(H) Subcommittee recommends laying on the table	01/17/13
HB 1405 - Bell, Richard P. - Private road easements; maintenance and repairs.	(H) Committee for Courts of Justice	(H) Subcommittee recommends laying on the table	01/09/13
HB 1409 - Scott, J.M. - Motor fuels tax; converts rate of taxation from cents per gallon to a percentage rate.	(H) Committee on Finance	(H) Tabled in Finance	01/23/13
HB 1436 - Purkey - Mechanics' lien' notice; claimant must send to property owner 30 days before filing.	(H) Committee for Courts of Justice	(H) Assigned Courts sub: #2 Civil	01/07/13
HB 1438 - Purkey - Motor fuels tax; indexed.	(H) Committee on Finance	(H) Incorporated by Finance (HB2313-Howell, W.J.)	01/23/13
HB 1450 - Stolle - Hampton Roads Planning District; additional 1% sales & use tax in counties in District.	(H) Committee on Finance	(H) Tabled in Finance	01/30/13
HB 1460 - Tyler - Tolls; prohibits on Interstate 95 without approval of General Assembly.	(H) Committee on Transportation	(H) Referred to Committee on Transportation	12/27/12
HB 1472 - Watts - Transportation; funding and administration.	(H) Committee on Finance	(H) Tabled in Finance	01/23/13
HB 1488 - Rush - Stormwater management program; delays date local governments will have to for administering.	(H) Committee on Agriculture, Chesapeake and Natural Resources	(H) Subcommittee recommends laying on the table	01/24/13
HB 1495 - Dance - Handheld personal communications devices; prohibits use	(H) Committee for Courts of Justice	(H) Subcommittee recommends incorporating	01/21/13

while operating motor vehicle, etc.		(HB1907-Anderson)	
HB 1624 - Hugo - Virginia Public Procurement Act; contracts with state agencies for transportation facility, etc.	(H) Committee on General Laws	(H) Stricken from docket by General Laws	01/31/13
HB 1663 - Minchew - Motor fuels tax; authorizes any county or city to impose at rate not to exceed \$0.10 per gallon.	(H) Committee on Finance	(H) Incorporated by Finance (HB2313-Howell, W.J.)	01/23/13
HB 1677 - Hugo - Transportation funding; elimination and increasing certain taxes.	(H) Committee on Finance	(H) Incorporated by Finance (HB2313-Howell, W.J.)	01/23/13
HB 1689 - Jones - Public-Private Transportation Act of 1995; approval required for comprehensive agreements.	(H) Committee on Transportation	(H) Subcommittee recommends laying on the table	01/24/13
HB 1690 - Jones - Public-Private Transportation Act; definition of transportation facility, port facility excluded.	(H) Committee on Transportation	(H) Subcommittee recommends laying on the table	01/24/13
HB 1692 - Jones - Public-Private Transportation Act; receipt of competing proposals, disclosure of business points.	(H) Committee on Transportation	(H) Incorporates HB2258	01/31/13
HB 1801 - Marshall, D.W. - Virginia Contractor Transaction Recovery Act; claims review process.	(H) Committee on General Laws (S) Committee on General Laws and Technology	(S) Referred to Committee on General Laws and Technology	01/24/13
HB 1823 - Villanueva - Public procurement; posting by local public bodies of procurement opportunities.	(H) Committee on General Laws	(H) Engrossed by House - committee substitute HB1823H1	01/31/13
HB 1848 - Loupassi - Reckless driving; using a handheld personal communications device, penalty.	(H) Committee for Courts of Justice	(H) Subcommittee recommends incorporating (HB1907-Anderson)	01/21/13
HB 1878 - Morrissey - Sources of revenue; establishing and adjusting for appropriations of State and its localities.	(H) Committee on Finance	(H) Tabled in Finance	01/23/13
HB 1882 - Morrissey - Virginia Public Procurement Act; resident employment and apprenticeship participation.	(H) Committee on General Laws	(H) Subcommittee recommends passing by indefinitely	01/17/13
HB 1883 - Bulova - Handheld personal communications devices; texting while driving, reckless driving.	(H) Committee for Courts of Justice	(H) Subcommittee recommends incorporating (HB1907-Anderson)	01/21/13
HB 1884 - LeMunyon - Highway maintenance funds; basis of allocation.	(H) Committee on Transportation	(H) Tabled in Transportation	01/31/13
HB 1885 - LeMunyon - Highways; VDOT to determine periodic quantitative rating on pavement condition, etc.	(H) Committee on Appropriations	(H) Printed as engrossed 13103178D-E	01/31/13
HB 1886 - LeMunyon - Vehicle tire weight limitations; prohibits over-the-road operation of certain vehicles.	(H) Committee on Transportation	(H) Read first time	01/31/13
HB 1888 - LeMunyon - Income tax, state and fuels taxes; adjusted for inflation.	(H) Committee on Finance	(H) Incorporated by Finance (HB2313-Howell, W.J.)	01/23/13
HB 1907 - Anderson - Driving while texting; primary offense, increased penalties.	(H) Committee for Courts of Justice	(H) Subcommittee recommends reporting with amendment(s) (9-Y 0-N)	01/28/13

HB 1913 - Surovell - Mechanics' liens; licensed contractors.	(H) Committee for Courts of Justice	(H) Printed as engrossed 13100436D-E	01/31/13
HB 1951 - Yancey - Virginia Public Procurement Act; bid match preference for Virginia businesses.	(H) Committee on General Laws	(H) Subcommittee recommends striking from docket	01/17/13
HB 1985 - May - Vehicle weight limits and overweight permits; technical changes.	(H) Committee on Transportation (S) Committee on Transportation	(S) Referred to Committee on Transportation	01/30/13
HB 1994 - Massie - Virginia Public Procurement Act; contract pricing arrangements.	(H) Committee on Transportation (S) Committee on General Laws and Technology	(S) Referred to Committee on General Laws and Technology	01/29/13
HB 2020 - LeMunyon - Tolls; use of revenues.	(H) Committee on Transportation	(H) Referred to Committee on Transportation	01/09/13
HB 2049 - Rust - Commonwealth Transportation Board; increases total membership from 17 to 20 members.	(H) Committee on Transportation	(H) Passed by for the day	01/31/13
HB 2063 - Rust - Sources of revenue; establishing and adjusting for appropriations of State and its localities.	(H) Committee on Finance	(H) Tabled in Finance	01/23/13
HB 2077 - Cox, J.A. - Motor carrier and commercial drivers; amends several licensing laws, etc.	(H) Committee on Transportation (S) Committee on Transportation	(S) Referred to Committee on Transportation	01/30/13
HB 2078 - Peace - Public procurement; increases public notice of requests for proposals, technical amendments.	(H) Committee on General Laws	(H) Subcommittee recommends laying on the table	01/24/13
HB 2079 - Jones - VA Public Procurement Act; reorganizes definitions of competitive sealed bidding and negotiation.	(H) Committee on General Laws	(H) Reported from General Laws with amendments (22-Y 0-N)	01/31/13
HB 2116 - Garrett - Commonwealth Transportation Board and Commissioner of Highways; powers and duties.	(H) Committee on Transportation	(H) Read first time	01/31/13
HB 2128 - Byron - Virginia Public Procurement Act; small procurements.	(H) Committee on General Laws	(H) Read second time and engrossed	01/31/13
HB 2129 - Spruill - Tolls; requires GA approval for tolling of any Interstate or state highway component.	(H) Committee on Transportation	(H) Referred to Committee on Transportation	01/09/13
HB 2141 - Keam - Highway maintenance payments; increased by Commissioner where there are high traffic volumes.	(H) Committee on Transportation	(H) Subcommittee recommends laying on the table	01/22/13
HB 2152 - Anderson - Transportation commission membership.	(H) Committee on Transportation	(H) Reported from Transportation with amendment (14-Y 7-N)	01/31/13
HB 2170 - Cole - Public procurement; posting by local public bodies of procurement opportunities.	(H) Committee on General Laws	(H) Incorporated by General Laws (HB1823-Villanueva)	01/29/13
HB 2179 - Rust - Sources of revenue; establishing and adjusting for appropriations of State and its localities.	(H) Committee on Finance	(H) Tabled in Finance	01/23/13

HB 2190 - Cosgrove - Stormwater management ordinances; requires localities to adopt more stringent requirements.	(H) Committee on Agriculture, Chesapeake and Natural Resources	(H) Read first time	01/31/13
HB 2210 - Scott, J.M. - Virginia Public Procurement Act; procurement of professional services.	(H) Committee on General Laws	(H) Subcommittee failed to recommend reporting (3-Y 3-N)	01/24/13
HB 2212 - McQuinn - Virginia Public Procurement Act; women-owned and minority-owned businesses, remedial measures.	(H) Committee on General Laws	(H) Stricken from docket by General Laws	01/22/13
HB 2224 - Howell, A.T. - Motor fuels tax; increases rate by \$0.10 per gallon, revenue to be used for transportation.	(H) Committee on Finance	(H) Tabled in Finance	01/23/13
HB 2228 - Morefield - Overweight vehicle permits; engineering analysis prior to issuance not to exceed three hours.	(H) Committee on Transportation	(H) Read first time	01/31/13
HB 2250 - Sherwood - Underground Utility Damage Prevention Act; sanitary districts.	(H) Committee on Transportation	(H) Subcommittee recommends laying on the table	01/21/13
HB 2253 - Albo - Transportation; makes several changes to state & local taxes & fees to acct. for & provide funding.	(H) Committee on Finance	(H) Incorporated by Finance (HB2313-Howell, W.J.)	01/23/13
HB 2258 - James - Public-Private Transportation Act of 1995, etc.; review of proposals.	(H) Committee on Transportation	(H) Subcommittee recommends incorporating (HB1692-Jones)	01/24/13
HB 2285 - May - Alternative fuels; establishes tax rate for biodiesel fuel, etc., used in operating highway vehicle.	(H) Committee on Finance	(H) Subcommittee recommends laying on the table (5-Y 0-N)	01/25/13
HB 2313 - Howell, W.J. - Revenues and appropriations of State; changes to revenues collected and distribution.	(H) Committee on Finance	(H) Incorporates HB1438	01/31/13
HB 2333 - Watts - Transportation; funding and administration.	(H) Committee on Finance	(H) Tabled in Finance	01/23/13
HB 2335 - Yancey - Transportation Revenue Fund; established, report.	(H) Committee on Appropriations	(H) Subcommittee recommends laying on the table	01/30/13
HJ 584 - Watts - Constitutional amendment; Transportation Funds.	(H) Committee on Privileges and Elections	(H) Incorporated by Privileges and Elections (HJ622-Jones)	01/25/13
HJ 620 - Jones - Transportation programs; JLARC to study efficiency and sufficiency of funding in State.	(H) Committee on Rules	(H) Subcommittee recommends laying on the table	01/17/13
HJ 622 - Jones - Constitutional amendment; Transportation Funds (first reference).	(H) Committee on Privileges and Elections	(H) VOTE: ADOPTION (99-Y 0-N)	01/29/13
HJ 651 - Villanueva - Constitutional amendment; Transportation Funds.	(H) Committee on Privileges and Elections	(H) Incorporated by Privileges and Elections (HJ622-Jones)	01/25/13
HJ 652 - O'Bannon - Constitutional amendment; Transportation Funds.	(H) Committee on Privileges and Elections	(H) Incorporated by Privileges and Elections (HJ622-Jones)	01/25/13
HJ 753 - LeMunyon - Transportation related	(H) Committee on	(H) Stricken from docket by	01/22/13

	Rules	Rules	
facilities; Joint Commission on Transportation Accountability to study use.			
SB 695 - Lucas - Va. Toll Relief Act and Va. Casino Gaming Commission; regulation of casino gaming, penalties.	(S) Committee on General Laws and Technology	(S) Passed by indefinitely in General Laws and Technology (15-Y 0-N)	01/28/13
SB 696 - Lucas - Va. Toll Abatement Act and Va. Casino Gaming Commission; regulation of casino gaming, penalties.	(S) Committee on General Laws and Technology	(S) Passed by indefinitely in General Laws and Technology (15-Y 0-N)	01/28/13
SB 697 - Lucas - Va. Transportation Enhancement and Toll Abatement Act and Va. Casino Gaming Commission; regulation.	(S) Committee on General Laws and Technology	(S) Passed by indefinitely in General Laws and Technology (15-Y 0-N)	01/28/13
SB 700 - Alexander - Taxes on fuels; issuance of bonds.	(S) Committee on Finance	(S) Referred to Committee on Finance	10/23/12
SB 714 - Lucas - Va. Toll Mitigation Act & Virginia Casino Gaming Commission; regulation of casino gaming, penalties.	(S) Committee on General Laws and Technology	(S) Passed by indefinitely in General Laws and Technology with letter (15-Y 0-N)	01/28/13
SB 717 - Watkins - Sources of revenue; establishing and adjusting for appropriations of State and its localities.	(S) Committee on Finance	(S) Referred to Committee on Finance	11/30/12
SB 732 - Petersen - Commonwealth Transportation Board; increases number of membership, changes areas of representation.	(S) Committee on Transportation	(S) Stricken at request of Patron in Transportation (15-Y 0-N)	01/30/13
SB 733 - Petersen - Virginia's fuels taxes; annually changing rate by using changes in fuel efficiencies of vehicles.	(S) Committee on Finance	(S) Referred to Committee on Finance	12/12/12
SB 781 - McEachin - Women-owned and minority-owned businesses; enhancement measures.	(S) Committee on General Laws and Technology	(S) Assigned GL&T sub: #2	01/15/13
SB 824 - McWaters - Hampton Roads Planning District; additional 1% sales & use tax in counties in District.	(S) Committee on Finance	(S) Failed to report (defeated) in Finance (5-Y 7-N)	01/31/13
SB 855 - Petersen - Transportation; funding and administration.	(S) Committee on Finance	(S) Referred to Committee on Finance	01/02/13
SB 859 - Blevins - Income tax, state; deduction for payment of tolls in qualified locality.	(S) Committee on Finance	(S) Referred to Committee on Finance	01/03/13
SB 865 - McEachin - Tolls; General Assembly to approve prior to imposition and collection on Interstate Highway System.	(S) Committee on Finance	(S) Reported from Finance with substitute (12-Y 3-N)	01/31/13
SB 872 - McWaters - Transportation Trust Fund; increases percentage portion of general fund surplus that is deposited.	(S) Committee on Finance	(S) Referred to Committee on Finance	01/04/13
SB 902 - Reeves - Virginia Public Procurement Act; alternative forms of security.	(H) Committee on General Laws (S) Committee on General Laws and Technology	(H) Referred to Committee on General Laws	01/25/13
SB 925 - McWaters - Retail Sales & Use Tax; increases amount of revenue	(S) Committee on Finance	(S) Referred to Committee on Finance	01/07/13

dedicated to Transportation Trust Fund.			
SB 976 - Lucas - Commonwealth Transportation Board; circumstances for removal from office by Governor.	(S) Committee on Transportation	(S) Stricken at request of Patron in Transportation (15-Y 0-N)	01/30/13
SB 977 - Lucas - Public-Private Transportation Act of 1995, etc.; review of proposals.	(S) Committee on Transportation	(S) Committee substitute printed 13104821D-S2	01/30/13
SB 990 - Miller - Virginia Public Procurement Act; bid match preference for Virginia businesses.	(S) Committee on General Laws and Technology	(S) Stricken at request of Patron in General Laws and Technology (14-Y 1-N)	01/28/13
SB 1003 - Marsden - Vehicle tire weight limitations; prohibits over-the-road operation of certain vehicles.	(S) Committee on Transportation	(S) Passed by indefinitely in Transportation (7-Y 6-N 1-A)	01/23/13
SB 1005 - McWaters - Handheld personal communications devices; using while driving on bridge or tunnel, primary offense.	(S) Committee for Courts of Justice	(S) Reported from Courts of Justice with amendments (9-Y 5-N)	01/30/13
SB 1081 - Miller - Public-Private Transportation Act of 1995, etc.; additional requirements.	(S) Committee on General Laws and Technology	(S) Passed by indefinitely in General Laws and Technology (15-Y 0-N)	01/28/13
SB 1160 - Barker - Driving while texting; primary offense, increased penalties.	(S) Committee for Courts of Justice	(S) Rereferred to Courts of Justice	01/23/13
SB 1170 - Deeds - Virginia Public Procurement Act; resident employment and apprenticeship participation.	(S) Committee on Finance	(S) Constitutional reading dispensed (40-Y 0-N)	01/31/13
SB 1209 - Stuart - Commonwealth Transportation Board, Commissioner of Highways, etc.; powers and duties, report.	(S) Committee on Transportation	(S) Passed Senate (40-Y 0-N)	01/29/13
SB 1219 - Newman - Motor carrier and commercial drivers; amends several licensing laws.	(H) Committee on Transportation (S) Committee on Transportation	(H) Referred to Committee on Transportation	01/25/13
SB 1222 - Norment - Reckless driving; using a handheld personal communications device, penalty.	(S) Committee for Courts of Justice	(S) Rereferred to Courts of Justice	01/23/13
SB 1238 - Barker - Handheld personal communications devices; texting while driving is punishable as reckless driving.	(S) Committee for Courts of Justice	(S) Rereferred to Courts of Justice	01/23/13
SB 1293 - Barker - Comprehensive plan; transportation component to be consistent with Statewide Transportation Plan.	(S) Committee on Transportation	(S) Passed Senate (40-Y 0-N)	01/29/13
SB 1305 - Wagner - Virginia Port Authority; reform by adding Chief Executive Officer to Board of Commissioners.	(S) Committee on Transportation	(S) Incorporates SB1351	01/31/13
SB 1313 - Stosch - Income tax, local; City of Portsmouth authorized to levy to generate revenue for transportation.	(S) Committee on Finance	(S) Reported from Finance (8-Y 5-N)	01/31/13
SB 1321 - Obenshain - General fund balance; assignment of fund surplus to Transportation Trust Fund at end of fiscal year.	(S) Committee on Finance	(S) Referred to Committee on Finance	01/18/13

SB 1328 - Wagner - Revenues and appropriations of State; changes to revenues collected and distribution.	(S) Committee on Finance	(S) Referred to Committee on Finance	01/18/13
SB 1338 - Martin - Tolls; General Assembly to approve for use on any component of Interstate Highway System, exception.	(S) Committee on Finance	(S) Incorporated by Finance (SB865-McEachin) (15-Y 0-N)	01/31/13
SB 1340 - Saslaw - Revenues and appropriations of State; changes specifically relating to transportation funding.	(S) Committee on Finance	(S) Referred to Committee on Finance	01/18/13
SB 1355 - Newman - Revenues and appropriations of State; changes to revenues collected and distribution.	(S) Committee on Finance	(S) Reported from Finance with substitute (10-Y 5-N)	01/31/13
SJ 275 - Obenshain - Constitutional amendment; Transportation Funds (first reference).	(S) Committee on Privileges and Elections	(S) Reading waived (40-Y 0-N)	01/31/13