

2005 GENERAL ASSEMBLY SESSION

Governor's Amendments and Vetoes



The Governor has recommended amendments to 45 Bills passed by the 2005 General Assembly and has vetoed 1. The staff of the Division of Legislative Services prepared the following summaries to assist members of the General Assembly in their deliberations during the April 6 Reconvened Session. The summaries, arranged

in numerical order by bill number, highlight the major impact of the Governor's recommendations on each bill. I hope you will find the information useful.

— E. M. Miller, Jr., Director

Governor's Amendments

HB 1500. Budget Bill. Additional appropriations for the 2004-2006 biennium. See money committees' summary.

HB 1615. School safety audits. The amendments direct the Virginia Center for School Safety rather than the Superintendent of Public Instruction to (i) develop a list of items to be reviewed and evaluated in school safety audits and (ii) prescribe a standardized report format for school safety audits, additional reporting criteria, and procedures for report submission.

HB 1683. Dead human bodies; disposal by funeral homes and crematories. The amendment adds an emergency clause.

HB 1736. Motor Vehicle Dealers; prohibits coercion. Technical amendment.

HB 1738. Line of Duty Act; reimbursement of health insurance premiums. As enrolled, the bill extends health

insurance coverage paid for by the Commonwealth to state public safety employees that are disabled in the line of duty on or after January 1, 1972, and includes their spouses and dependents. The bill also provides an additional death benefit of \$20,000 to employees of the Commonwealth, or of any political subdivision, that are called to federal active military service and are killed in action. The amendment would make the additional death benefit apply to employees killed in action in any armed conflict on or after October 7, 2001, the start of U.S. armed conflict in Afghanistan.

HB 1749. Special license plates; expired authorization. The amendment eliminates the repeal of a section amended by HB 2572.

HB 1757. Servicemembers Civil Relief Act. Technical amendment.

HB 1793. Life insurance; additional benefits. See HB 1738.

HB 1822. Day Spas. The amendment provides that flavored malt beverages meeting certain alcoholic content standards shall be included in the definition of beer.

HB 1922. Water and sewer systems; fees. The amendment provides that in instances where a property owner pays the outstanding judgment against a lessee or tenant for sewer charges, the property owner shall be subrogated against the lessee or tenant in place of the locality or service authority.

HB 1983. Video displays in motor vehicles. The amendment explicitly provides that the prohibition of the driver viewing "motion pictures or similar displays" does not prohibit viewing vehicle navigation systems, closed circuit video rear-view systems, or monitors used by law-enforcement and VDOT personnel in the course of their official duties.

HB 1993. State agency budgets; copies to Governor and Attorney General. As enrolled, the bill would require the Department of Planning and Budget to prepare an analysis of all agency budget estimates for the deliberative use of the Governor and the General Assembly. The amendments would eliminate the requirement that the Department of Planning and Budget prepare an analysis of the budget estimates, and instead would require that

the estimate submitted by each state agency include a comparison with the prior year's request, a description of funding priorities, and discussion of major changes or initiatives requested for the ensuing year. The estimates would be provided to the chairmen of the House Appropriations and Senate Finance Committees within 30 days of being provided to the Governor.

HB 1997. *Sex offenders.* The amendment adds an emergency clause.

HB 2007. *Transient occupancy tax and food and beverage tax.* As enrolled, the bill adds Carroll County to the list of counties that may levy the transient occupancy tax at a rate of 5%.

The amendments make corrections to the technical changes made during the 2004 Session, which replaced population brackets with the names of the counties that may impose a 5% local transient occupancy tax and the food and beverage tax without referendum. Specifically, the bill adds the names of the counties that had grown into population brackets before the technical changes became effective.

HB 2029. *Nonindigenous aquatic nuisance species.* The amendment makes it a Class 1 misdemeanor for anyone to knowingly place zebra mussels in state waters without a permit from the Department of Game and Inland Fisheries.

HB 2038. *Midwifery; license.* Technical amendment.

HB 2050. *Unemployment compensation; weekly benefit.* Technical amendment.

HB 2084. *Highway construction, repair and maintenance.* The amendment requires the Commonwealth Transportation Board to ensure that the total funds allocated to any highway construction project are equal to total expenditures

within 12 months following completion of the project. This requirement, however, does not apply to debt service apportionments pursuant to § 33.1-23.3 or § 33.1-23.4.

HB 2168. *Garbage collection.* The amendment expands the list of findings that a locality may make prior to displacing a private company providing refuse collection services to include matters related to (i) operating waste-to-energy plants and (ii) advancing certain environmental requirements and goals.

HB 2192. *Landfills.* The amendment requires that the director of the Department of Environmental Quality consult with the Commissioner of Health when determining whether a new landfill can be located within one mile of a water supply intake or reservoir without contaminating ground-water or surface water.

HB 2238. *Emergency medical services.* The amendments confirm that violations of the emergency medical services regulations or laws may result in civil penalties.

HB 2408. *Sewage disposal fees.* The amendment deletes a code reference that is no longer relevant to the bill as passed.

HB 2438. *Methamphetamine.* The amendments conform the bill to SB 1156.

HB 2512. *Assisted living facilities.* The first two amendments are technical. The final amendment permits the Board of Nursing to accept and process applications for the registration of medication aides and charge an application fee before the registration requirement goes into effect.

HB 2625. *Cigarette and tobacco products.* As enrolled, the bill increases the discount allowed on the purchase of cigarette tax stamps to 2% of the total amount charged by the

Department of Taxation for the purchase of the stamps. In order to avoid negatively impacting the amount of money in the Virginia Health Care Fund, the Tax Commissioner would be required to certify monthly to the Comptroller all discounts allowed in the immediately preceding month. The Comptroller would deposit from the general fund into the Health Care Fund an amount equal to the difference between the discount in effect on July 1, 2005, and the discount in effect on June 30, 2005.

The amendment would not require this monthly certification. Instead, the Tax Commissioner would provide an annual estimate of the total amount of discounts allowed, which shall be taken into account in estimating the total revenues to be collected during the fiscal year by the Virginia Health Care Fund. If there is any reduction in funding to programs financed by the Health Care Fund due to the discount, the funding shall be made up out of the general fund.

HB 2656. *Obstetrical and pediatric care pilot programs.* The amendments clarify that the Division of Risk Management of the Department of the Treasury is the appropriate agency to recommend the level of professional liability insurance to be maintained by the nurse practitioners participating in the pilot projects for obstetrical and pediatric care

HB 2679. *Business license tax.* Technical amendment.

HB 2697. *Religious references.* The amendments remove language providing the authority for the use of eminent domain to acquire property of a church, whether such church is incorporated or unincorporated. Under current law, property belonging to a religious or charitable

corporation may not be acquired without the corporation's consent.

HB 2776. *Special license plates; U.S. Army.* Technical amendment.

HB 2787. *At-Risk Youth and Families.* The amendment clarifies per diems and expenses for appointees to the State Executive Council for Comprehensive Services for At-Risk Youth and Families.

HB 2795. *Jury panel.* The amendment provides that summons and appearance for jury duty rather than actual service on a jury qualifies a person for an excused absence from work under certain conditions.

HB 2804. *Health care practitioners.* Technical amendment.

HB 2866. *Restructured Higher Education Financial and Administrative Operations Act.* As enrolled, the bill sets forth enabling legislation for the restructuring of public institutions of higher education that would extend, upon the satisfaction of various conditions, autonomy, which would include but is not limited to, capital building projects, procurement, and personnel, while providing oversight mechanisms and establishing certain expectations. Three levels of autonomy would be available to all public institutions of higher education, with the level of autonomy depending on each institution's financial strength and ability to manage day-to-day operations.

The amendments include both technical corrections and substantive changes. In general, the substantive changes would (i) establish a commission in the executive branch to develop and implement a process for evaluating potential appointees to higher education governing boards based on substantive qualifications and to make recommendations to the

Governor and (ii) provide that the Commonwealth's retirement, health insurance, workers' compensation, and grievance procedure programs shall continue to apply to employees of an institution that has been granted additional autonomy.

HB 2869. *Wiretaps; location and jurisdiction.* The amendment deletes language inadvertently left in when the bill was amended.

SB 891. *Uniform Trust Code.* The amendments conform the body of the bill to a July 1, 2006, effective date.

SB 905. *Capitol restoration.* The amendment adds an emergency clause.

SB 926. *Public easements.* Technical amendment.

SB 999. *Gubernatorial appointments.* As enrolled, the bill establishes a joint subcommittee to review gubernatorial appointments. The amendments are technical and eliminate inconsistencies within the bill on the composition of the subcommittee.

SB 1027. *Information Providers Network.* The amendment is clarifying in nature.

SB 1139. *Income tax.* The first amendment clarifies that the value of a donated interest in land that qualifies for the land conservation tax credit, according to federal law and regulations, will be subject to the limitations established by the Internal Revenue Code. The second amendment limits land conservation tax credits for donations (made between January 1, 2005, and July 1, 2006) of easements or other interests in historic buildings to those buildings that are designated as historic landmarks for listing in the Virginia Landmarks Register and which easement or interest imposes restrictions on all exterior surfaces of the building.

SB 1156. *Methamphetamine.* Technical amendment.

SB 1159. *Wireless E-911 Services Board.* Technical amendments.

SB 1205. *Driver's licenses.* The amendment adds clarifying language on disposition of suspended and revoked licenses to an additional Code section.

SB 1276. *Disclosure of wage information to consumer reporting agencies.* The amendment delays the effective date until January 1, 2007.

SB 1327. See HB 2866.

Governor's Veto

SB 1054. *Virginia Liaison Office; moratorium on offshore natural gas exploration.* The legislation requires the Virginia Liaison Office to work with Virginia's congressional delegation and executive agencies to develop and enact federal legislation or executive action that would provide an exemption from the existing moratorium on offshore natural gas exploration and development activities.

The Governor stated that the bill impermissibly encroaches on the Governor's authority to direct the operations and priorities of the Virginia Liaison Office and takes a position on federal legislation that has not yet been introduced.

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***Bills Returned by the Governor to
the Regular Reconvened Session (1986-2005)***

YEAR	GOVERNOR	AMENDMENTS	VETOES	TOTAL UNSIGNED*	BILLS APPROVED	PERCENT RETURNED
1986	Baliles	51	4	55	649	8.5
1987		85	1	86	725	11.9
1988		107	8	115	915	12.6
1989		77	7	84	752	11.2
1990	Wilder	82	8	90	980	9.2
1991		83	19	102	742	13.7
1992		82	13	95	916	10.4
1993		110	13	123	1010	12.2
1994	Allen	160	20	180	995	18.1
1995		153	11	164	867	18.9
1996		151	9	160	1066	15.0
1997		155	11	166	933	17.8
1998	Gilmore	147	24	171	939	18.2
1999		118	13	131	1062	12.3
2000		60	16	76	1014	7.5
2001		91	7	98	785	12.5
2002	Warner	74	1	75	899	8.3
2003		87	4	91	955	9.5
2004		60	2	62	1035	6.0
2005		45	1	46	949	4.8

*Total unsigned does not include line item vetoes (Budget Bills).

Sources: House and Senate Journals, House and Senate Calendars, and Acts of Assembly
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