

# ***Governor's Amendments and Vetoes***

# 2007

## 2007 GENERAL ASSEMBLY SESSION

### **Governor's Amendments**

**HB 1653. *Smoking in proximity to gas pumps; penalty.*** The enrolled bill provides that, where smoking or the use of an open flame is prohibited by a posted sign, a person who smokes or uses an open flame within 20 feet of a pump used to fuel motor vehicles or a fueling tanker being used to deliver gasoline to a gasoline station is guilty of a Class 3 misdemeanor. The Governor's amendment requires that a person shall only be guilty if he is in the open air while smoking or using an open flame.

**HB 1673. *Commission on Immigration.*** Technical amendments.

**HB 1681. *Two-Year College Transfer Grant Program.*** Technical amendments.

**HB 1710. *Virginia Public Building Authority; water treatment.*** The Governor's amendment provides that when the amount of grants disbursed under the bill equal at least 200 percent of the appropriations in the 2005 and 2006 budget bills, certain committees of the General Assembly shall review the future funding needs to meet the purposes of the Virginia Water Quality Improvement Act and the appropriate funding mechanisms for such needs. The Governor has also included technical amendments. The bill is identical to SB 771.

**HB 1722. *Road to Revolution heritage trail.*** The enrolled

bill establishes the Road to Revolution heritage trail to highlight and celebrate Patrick Henry's leading role in liberating Virginia from Colonial rule to independence. The amendment adds additional sites.

**HB 1798. *Martial Arts Advisory Board.*** The substitute establishes the Professional Boxing, Wrestling, and Martial Arts Advisory Board by codifying an existing task force and expanding its membership to include a representative of the sport of nontraditional mixed martial arts and a member who is a martial arts instructor who has obtained the rank of black belt or higher.

**HB 1817. *Vehicle titling and registration.*** Technical amendment.

*The Governor vetoed ten bills and recommended amendments to 107 others passed by the 2007 General Assembly, which includes the Budget Bill. The staff of the Division of Legislative Services prepared the following summaries to assist General Assembly members during their deliberations on April 4th. Amendments are arranged in numerical order by bill number and highlight the major impact of the Governor's recommendations on each bill. We hope you will find the information useful.*

*— E. M. Miller*

**VIRGINIA DIVISION OF LEGISLATIVE SERVICES**

**HB 1836. *Condominium & Property Owners' Association Acts; no declaration to prohibit display of certain flag.*** Technical amendment.

**HB 1851. *Conveyance of certain property in Caroline County; Rappahannock Area Community Services Board.*** The enrolled bill provides for the Commonwealth Transportation Commissioner to convey certain real property to Caroline County for the use of the Rappahannock Area Community Services Board. The Governor's amendment provides that the purpose of the conveyance to Caroline County is to effectuate a subsequent conveyance of the property to the Rappahannock Area Community Services Board. The amendment further provides that if the Rappahannock Area Community Services Board ceases to use the property as an adult day care center or for the provision of mental health, substance abuse and other related services, or Caroline County does not use the property for other governmental purposes, the Commonwealth shall give written notice to either Caroline County or the Rappahannock Area Community Services Board, and the county or board will then have 90 days to comply with the required uses of the property. If compliance is not achieved, the property shall be conveyed back to the Commonwealth and the

Commonwealth may petition a court to enforce this reversionary interest.

**HB 1908. *Child restraint devices.*** The enrolled bill increases the age that children must be secured in a child restraint device from five years old to eight years old and requires that rear-facing child restraint devices for infants from birth to one year shall be secured only in the back seat of motor vehicles manufactured after January 1, 1968. The enrolled bill also removes the exemption from required child restraint device use for the rear cargo area of vehicles other than pickup trucks and increases the age from less than six years old to eight years old for the permitted use of standard seat belt equipment for certain children. The amendment in the nature of a substitute proposed by the Governor adds to the bill an amendment to § 46.2-1099 of the Code to repeal the provision that exempts from child restraint requirements vehicles used to transport children if the interior design of those vehicles make use of the child restraint devices impractical.

**HB 1968. *Subdivision of a lot for conveyance to a family member.*** The enrolled bill amends the statute that authorizes localities to provide an additional method for subdivision of a lot for conveyance to a family member. Under

current law, the property owner must agree to place a restrictive covenant on the subdivided property that would prohibit the transfer of the property to a nonmember of the immediate family for a period of 15 years. The enrolled bill provides that a locality may reduce or provide exceptions to such period of years when changed circumstances so require. The recommendation provides that upon such modification of a restrictive covenant, a locality shall execute a writing reflecting such modification, which writing shall be recorded in accordance with § 17.1-227 (relating to documents recorded in deed books).

**HB 2028. *Charter; City of Winchester.*** The Governor's amendment provides that City of Winchester School Board members shall serve terms of four years for no more than two consecutive terms.

**HB 2030. *Modeling and Simulation Advisory Council.*** The recommendation grants the Governor the authority to appoint three citizen representatives of the modeling and simulation industry to the advisory council. Under the enrolled bill, the Speaker of the House of Delegates had two appointments and the Senate Committee on Rules had one appointment. The total number of members on the advisory council has not changed.

**HB 2035. Required vaccinations; adds human papillomavirus vaccine.**

The Governor's amendment removes the requirement that parents opt-out of the HPV vaccine in writing and clarifies that they may opt-out for any reason. The bill is identical to SB 1230.

**HB 2039. Technical Diploma; established.** The Governor's amendment provides for an advanced technical diploma for a student who meets the requirements for the advanced studies diploma who also fulfills a concentration in career and technical education, in addition to the technical diploma established by the enrolled bill.

**HB 2084. Law-enforcement escorts.** Technical amendment.

**HB 2157. Board of Medicine; disciplinary procedure.** The enrolled bill requires that a medical malpractice judgment or settlement of less than \$10,000 only be reported to the Board of Medicine if there has been another medical malpractice judgment or settlement of less than \$10,000 paid by or on behalf of the licensee within the previous 12 months. The amendment changes this requirement so that a medical malpractice judgment or settlement of less than \$10,000 must be reported if there has been any judgment or settlement paid by or on behalf of the licensee within the previous 12 months.

**HB 2203. Conveyance of state-owned bottomlands.**

The enrolled bill exempts three parties who were authorized to receive conveyances of state-owned bottomlands located in the City of Norfolk in 2006 from paying fair market value for these properties, because they have paid local real estate taxes on these parcels. The substitute applies a uniform standard to determine compensation owed to the Commonwealth for the transfer of state-owned bottomlands to private parties.

**HB 2228. Powers of CTC; highway access management standards.** Technical amendment.

**HB 2230. Tourism Financing Development Authority.** Technical amendments.

**HB 2261. Zoning violations; overcrowding.** The Governor's amendments delete the enrolled bill's amendments that provide for enhanced fines for any conviction resulting from a violation of provisions related to overcrowding of residential dwellings. The recommendation i) raises the maximum misdemeanor penalty for a zoning violation from \$1,000 to \$2,000; ii) the misdemeanor maximum penalty for failure to remove or abate a zoning violation within the time period established by the court also increases from \$1,000 to \$2,000; and iii) each 10-day period during which a zoning

violation continues after the conviction or court-ordered abatement period has ended constitutes a separate offense punishable by a fine of not less than \$100 or more than \$2,500.

**HB 2361. Court-appointed attorneys; compensation cap.**

The enrolled bill provides for the waiver of the limitations on compensation of court-appointed attorneys up to certain specified additional amounts where circumstances warrant such a waiver. The enrolled bill also provides that additional waivers may be approved by the chief judge of the circuit court. The Governor's amendments expand the application of the compensation caps and waivers thereof that are applicable to attorneys appointed to defend felony charges brought in a circuit court to include attorneys appointed to defend a juvenile for an offense which would be a felony if committed by an adult brought in a juvenile and domestic relations district court. The amendments also allow the chief judge of the district court to approve such waivers. The amendments also remove the provision excluding public defenders from being granted a waiver from the compensation cap. The amendments further require the Executive Secretary of the Supreme Court of Virginia to track and report the number

of cases and category of offenses charged in which court-appointed counsel is assigned, as well as the amounts paid in excess of the compensation cap. The Executive Secretary of the Supreme Court of Virginia shall provide such reports to the Governor, members of the House Appropriations Committee, and members of the Senate Finance Committee on a quarterly basis. There are also several technical amendments.

**HB 2362. *Exemption from local tax and license fees for certain law-enforcement officials.*** The enrolled bill allows local governments to exempt deputy sheriffs, police officers, and officers of the State Police from the local tax and license fees for one owned or leased vehicle. The Governor's amendment also allows local governments to exempt salaried firefighters and salaried emergency medical technicians from the local tax and license fees for one owned or leased vehicle.

**HB 2370. *Health insurance credits; teachers and other local school board employees.*** The Governor's amendment insures that any member who retired for disability prior to July 1, 2007, whose health insurance credit exceeds even the higher health insurance credits provided under the enrolled bill, will not be negatively impacted by the bill. Identical to SB 1218.

**HB 2390. *Duties of Treasurers.*** Technical amendments.

**HB 2393. *Medical Examiner's reports and findings.*** The Governor's amendment clarifies that the reports or findings of the Medical Examiner may still be disclosed to the parties in a criminal case.

**HB 2422. *Restaurants; smoking prohibited; penalties.*** The Governor's amendment removes all exceptions to the ban on smoking in restaurants. Smoking would now be prohibited in any restaurant in the Commonwealth, including bar and lounge areas, dining areas in private clubs, carts, and any other place where food is prepared for service to the public.

**HB 2425. *Elimination of right to remove case to circuit court.*** The enrolled bill eliminates the right to remove an action from the general district court to the circuit court. The Governor's amendment reinserts a provision that was stricken from the bill that exempts indigent persons from posting an appeal bond, except in cases of trespass, ejectment, or any action involving the recovering of rents.

**HB 2450. *Alcoholic beverage control; restricted wholesale wine license.*** The Governor's amendments provide an exemption from the Virginia Public Procurement Act and

the Administrative Process Act for the nonstock, nonprofit corporation established by Commissioner of Agriculture and Consumer Services that will hold a restricted wholesale wine license to provide wholesale wine distribution services to winery and farm winery licensees.

**HB 2504. *Criminal history and central registry check for placements of children.*** The Governor's amendments exempt from criminal history and central registry checks birth parents who revoke an entrustment agreement pursuant to §§ 63.2-1223 or 63.2-1817 or a local board or birth parent that revokes a placement agreement while legal custody remains with the parent or guardian pursuant to § 63.2-900. The amendments clarify that the bill applies to both local boards and licensed child placing agencies. There are also technical amendments.

**HB 2528. *Garnishment; exemption of child support payments.*** The enrolled bill provides that child support payments received by a parent for the benefit of a child in his custody are not subject to garnishment. The Governor's amendments clarify that support payments include both current support payments and payments for arrears. The amendments also provide that the support payments received by a



parent have to be owed to a child in order to be exempt from garnishment.

**HB 2537. *Administrative Process Act; amends by renumbering provisions of various codes.*** Technical amendments.

**HB 2595. *Department of Professional and Occupational Regulation; changes membership of the Fair Housing Board.*** The Governor's amendments add one citizen member to the board, increasing the number of citizen members from two to three and the overall board membership from 11 to 12.

**HB 2642. *Conveyance of state-owned bottomlands in Hampton.*** The enrolled bill authorizes the Marine Resources Commission to convey, for fair market value, three parcels of state-owned bottomlands to private parties. The substitute applies a uniform standard to determine compensation owed to the Commonwealth for the transfer of state-owned bottomlands to private parties.

**HB 2671. *Sexually violent predators; civil commitment.*** Technical amendment.

**HB 2673. *Jury sentencing; deadlock.*** The enrolled bill provides for the impanelment of a new jury in the event of a deadlock in fixing punishment. The Governor's amendment provides that prior to the

selection and impaneling of a jury, each juror shall be advised regarding the elements and statutory sentencing range of each crime charged and may be examined as to his ability to impose a sentence within that range.

**HB 2707. *Election procedures; voting equipment requirements; recounts.*** The bill prohibits county and city purchases of direct recording electronic (DRE) devices on and after July 1, 2007. The Governor's amendment delays the cut-off date to July 1, 2008.

**HB 2708. *Net energy metering.*** The amendment in the nature of a substitute makes Old Dominion Power Company subject to the same net energy metering provisions that apply to other investor-owned electric utilities. Old Dominion Power, which operates in Southwest Virginia, had been exempt from all provisions of the Electric Utility Restructuring Act. The net energy metering provisions allow generators of electricity from renewable sources to enter into agreements with their electric utilities for the sale of any excess electricity, subject to requirements established by the State Corporation Commission.

**HB 2776. *Sex offender treatment; residential areas.*** The enrolled bill provides that no individual shall knowingly provide sex offender treatment

services to a convicted sex offender in an office or facility located in a residentially zoned subdivision. The Governor's amendment clarifies that any such facility shall be similar to an office.

**HB 2782. *Conveyance of state-owned bottomlands.*** The enrolled bill sets a policy for the circumstances in which the Commonwealth may convey state-owned bottomlands. The substitute establishes a uniform standard for determining the compensation owed to the Commonwealth by requiring payment equal to 25% of the assessed value of the land being conveyed. In unique situations, the Marine Resources Commission may consider compensation in an amount less than 25% of the assessed value of the land being conveyed. The substitute also strikes the delayed enactment clause included in the enrolled bill.

**HB 2791. *Permit for onsite sewage disposal system installation in Augusta County.*** Technical amendments.

**HB 2802. *Land application of biosolids.*** Technical amendment.

**HB 2951. *Tolls on U.S. Route 17 in Chesapeake.*** The enrolled bill requires VDOT, subject to the concurrence and approval of the Federal Highway Administration, to impose and collect tolls for use of

U.S. Route 17 in Chesapeake. The amendment proposed by the Governor also requires the concurrence and approval of the Hampton Roads Transportation Authority.

**HB 2954. *Eminent domain.*** The enrolled bill provides a definition for the term "public uses." The bill also states that, with certain exceptions, property can only be taken when the public interest dominates the private gain and the primary purpose is not private financial gain, private benefit, an increase in tax base or revenues, or an increase in employment. The Governor's amendments allow property to be taken where all property owners agree to the acquisition. The amendments further change the definition of "blighted property" and eliminate the requirement that the property be vacant. The amendments also add a fourth enactment clause, which provides that the provisions of the act shall not prohibit the Norfolk Redevelopment and Housing Authority or the City of Norfolk from acquiring property through the use of eminent domain for the location of a public recreational facility to be owned or operated by a nonprofit entity, provided that such acquisitions are instituted prior to July 1, 2010. There are also technical amendments.

**HB 2959. *Expungement of police and court records.*** Technical amendment.

**HB 2990. *Conveyance of state-owned bottomlands.*** The enrolled bill authorizes the Marine Resources Commission to convey a parcel of state-owned bottomlands in the Elizabeth River in Norfolk to a private corporation at fair market value. The substitute applies a uniform standard to determine compensation owed to the Commonwealth for the transfer of state-owned bottomlands to private parties.

**HB 3037. *Potomac River Fisheries Commission.*** The enrolled bill raises the daily compensation of Commissioners from \$25 to an amount not to exceed \$250. The amendment further clarifies that compensation paid to Commissioners in any given year for the performance of their duties shall not exceed \$1,500.

**HB 3039. *Water and sewer charges; adds Town of Blacksburg to localities that may attach lien on real estate.*** Technical amendment.

**HB 3061. *Health professions; authority to send laboratory test results directly to patients.*** The enrolled bill requires healthcare practitioners, upon request, to provide a copy of the report of results of a laboratory test, or other examination of the physical condition of any person, directly to the patient or his legal guardian. The bill also gives healthcare practitioners the authority to have the

laboratory conducting the test send the results directly to the patient. The Governor's amendment allows healthcare practitioners to deny the patient a copy of his results if there is a medical reason to do so. Identical to SB 1341.

**HB 3068. *Electric utility regulation.*** The amendment in the nature of a substitute increases the energy efficiency goal from 5% to 10% of the amount of electric energy consumed in 2006. The period over which overearnings are to be refunded to customers is shortened from 24 months to between six and 12 months. Other provisions (i) expand the amount by which the State Corporation Commission may increase or decrease a utility's combined rate of return on equity, based on plant performance, customer service, efficiency, and other factors, from 50 basis points to 100 basis points; (ii) modify the provisions for an enhanced rate of return on costs of constructing new electric energy generation facilities that utilize renewable technologies, carbon capture facilities, and combined cycle combustion turbines; (iii) direct the SCC, in setting the return on equity, to strive to maintain costs of retail electric energy that are cost competitive with costs of retail electric energy provided by the other peer group investor-owned electric utilities; (iv) ensure that utilities

use competitive bidding in purchasing and construction practices; (v) require the SCC to complete its conservation and demand control proceeding by December 15, 2007, and to consider "real-time pricing" in the proceeding; (vi) exclude large industrial customers purchasing electricity at large general service rates and at primary or transmission voltage from paying for the incremental costs of renewable portfolio standard (RPS) programs; (vii) exclude existing renewable power generated by such large industrial customers from a determination of whether RPS Goals have been met; (viii) exclude non-run-of-stream pumped storage from eligibility for meeting the RPS Goals; (ix) limit the eligibility of renewable energy generated in control areas adjacent to the PJM Interconnection area for credit under the RPS program; (x) increase the cap on power that a utility may be required to purchase from eligible customer-generators under the net energy metering program from 0.1% to one percent of the utility's adjusted peak load; (xi) allow competitive service providers to offer 100% renewable power to retail customers in any area of the Commonwealth where the customer's incumbent utility does not offer such a tariff; (xii) eliminate the requirement that the Department of Mines, Minerals and Energy and the Secretary of Agriculture and

Forestry conduct a study of the renewable portfolio standard and annual tonnage limits on certain wood sources; (xiii) make the deferred amounts of Dominion's 2007 fuel factor increase collectible in periods beginning on July 1, 2008, 2009, and 2010, rather than on January 1 of such years; (xiv) allow large industrial customers who have purchased power from a competitive supplier to petition the SCC to return to the incumbent utility with less than five years prior notice if the SCC finds that doing so would not harm other utility customers or the utility; (xv) allow customers to petition the SCC to aggregate their supply to meet the 5 MW threshold, even if their aggregated load exceeds 1% of the utility's demand, if doing so would not harm other utility customers or the utility; (xvi) provide that losses from off-system sales may not be considered in reviews of a utility's return on equity; and (xvii) provide that expenses for issuing credits for overearnings are not included in the utility's return on equity calculation.

**HB 3079. *Appalachian Region Interstate Compact Commission.*** The enrolled bill establishes the commission with six Virginia members, two appointed by the Senate Committee on Rules and four by the Speaker of the House of Delegates. The amendments retain a total of six Virginia members

and provide for the Senate Committee on Rules to appoint one member, the Governor to appoint three members, and the Speaker of the House of Delegates to appoint two members.

**HB 3082. *Religious freedom.***

The enrolled bill prohibits a government entity from substantially burdening a person's free exercise of religion and provides a cause of action for declaratory or injunctive relief for such a violation. The provisions of the bill do not apply to persons incarcerated in correctional facilities or sexually violent predators who have been civilly committed. The Governor's amendments strike the provision of the bill dealing with its lack of applicability to incarcerated persons and sexually violent predators who have been civilly committed. The amendments change the definition of a government entity to exclude the Department of Corrections, the Department of Juvenile Justice, facilities of the Department of Mental Health, Mental Retardation and Substance Abuse Services that treat civilly committed sexually violent predators, or any local, regional or federal correctional facility. The amendments also add language providing that nothing in the bill shall prevent any governmental institution or facility from maintaining health, safety, security or discipline. There are also several technical amendments.

**HB 3085. Admission of evidence; taking indecent liberties.** The enrolled bill expands the scope of the rape shield statute to include prosecutions for taking indecent liberties with children under § 18.2-370, 18.2-370.01, or 18.2-370.1. The Governor's amendment strikes the addition of § 18.2-370.01 (taking indecent liberties with a child under the age of 14 by a child over the age of 13 and under the age of 18 where the accused is five or more years older than the victim) to the list of offenses where the court may, on its own motion or at the request of the Commonwealth, the complaining witness, the accused or their counsel, exclude all persons from the courtroom during preliminary hearings except officers of the court and certain other persons whose presence the court finds is necessary and will not impair the conduct of a fair hearing.

**HB 3114. Aerospace Advisory Council.** The recommendation grants the Governor the authority to appoint six additional nonlegislative citizen members representing the aerospace and space exploration industry to the advisory council. Previously, the Speaker of the House of Delegates had four appointments and the Senate Committee on Rules had two appointments. The total number of members on the advisory council has not changed.

**HB 3134. Onsite sewage systems; operation and maintenance program.** The Governor's amendments clarify that the Board of Health's regulatory program would only apply to licensed operators of alternative onsite sewage systems, and not sewage handlers or inspectors. There are also technical amendments.

**HB 3184. Space Flight Liability and Immunity Act.** The changes in the Governor's substitute are technical in nature and conform this bill with definitions and requirements in the Commercial Space Launch Amendments Act of 2004.

**HB 3190. Coal miner certification and mine safety.** The enrolled bill requires the Board of Coal Mining Examiners to conduct any hearing after the temporary suspension of a miner's certificate due to certain drug or alcohol related offenses within 60 days of the temporary suspension. The Governor's amendment adds that the board shall make every effort to conduct the hearing within 40 days. The amendment also makes a technical change. The bill is identical to SB 1091.

**HB 3199. Costs in condemnation action; appraisal report.** The enrolled bill requires a property owner to provide a condemning party a written self contained appraisal report, provided it is the same type of report furnished to the owner

and complies with the requirements of the Uniform Standards of Professional Appraisal Practice, in order to obtain costs and fees. The enrolled bill also provides that whenever a property owner and the Department of Transportation do not reach an agreement for the acquisition of property, the property owner can receive partial reimbursement of the costs of a written self contained appraisal report, provided it is the same type of report furnished to the owner and complies with the requirements of the Uniform Standards of Professional Appraisal Practice, when the offer made by the Department of Transportation exceeds \$250,000 or the owner contends that just compensation exceeds \$250,000. The court may, in its discretion, allow reimbursement in cases when the appraisal is less than \$250,000. The Governor's amendments provide that the property owner may also submit a written summary appraisal report, as referenced in the Uniform Standards of Professional Appraisal Practice, and still recover costs and fees and partial payment for the cost of an appraisal report. The amendments also clarify that in order for a court to allow payment in cases when the appraisal is less than \$250,000, the appraisal has to meet the requirements for an appraisal that exceeds \$250,000. There are also several technical



amendments that substitute the term payment for the terms reimbursed and reimburse-ment.

**HB 3202. *Transportation funding and reform.***

**Northern Virginia**

The Governor's recommenda-tion authorizes the Northern Virginia Transportation Au-thority to impose the following fees and taxes in the entire geographical area embraced by the Authority with the revenues to be used for transportation purposes:

- **Grantor's recordation tax (\$0.40 per \$100 value).**
- **Motor vehicle rental fee (2%).**
- **Transient occupancy tax (2%).**
- **Motor vehicle safety inspec-tion fee (\$10).**
- **Annual vehicle registration fee (\$10).**
- **Initial vehicle registration fee (1% of purchase price).**
- **Sales tax on motor vehicle repairs (5%).**

In addition, each locality embraced by the Authority is authorized to impose an additional real property tax on commercial property at the rate of \$0.25 per \$100 of assessed value with the reve-nues to be used for transporta-tion purposes.

**Hampton Roads**

The Governor's recommenda-tion authorizes the Hampton Roads Transportation Author-ity—with concurrence of the

governing bodies of at least seven of the counties and cities embraced by the Authority and comprised of at least 50% of the population therein—to impose the following fees and taxes in the geographical area embraced by the Authority with the revenues to be used for transportation purposes:

- **Grantor's recordation tax (\$0.40 per \$100 value).**
- **Motor vehicle rental fee (2%).**
- **Sales tax on motor fuels (2%).**
- **Motor vehicle safety inspec-tion fee (\$10).**
- **Annual vehicle registration fee (\$10).**
- **Initial vehicle registration fee (1% of purchase price).**
- **Sales tax on motor vehicle repairs (5%).**

In addition, each locality embraced by the Authority is authorized to impose an addi-tional real property tax on commercial property at the rate of \$0.10 per \$100 of as-sessed value with the revenues to be used for transportation purposes.

**Statewide**

The Governor's recommenda-tion provides the following for statewide transportation funding:

- **One-third of the revenues from the state tax on insur-ance businesses would be used to service the debt on \$3 billion in authorized bonds. The bond proceeds would be used as follows: (i) a mini-mum of 20% would be used for transit capital; (ii) a**

**minimum of 4.3% would be used for rail capital; and the remaining amount of bond proceeds would be used for construction.**

- **Two-thirds of the annual surplus.**
- **An additional \$10 annual increase in registration fees.**
- **Additional fines on heavy trucks.**
- **Additional fees on bad drivers for certain offenses (driving while intoxicated, reckless driving).**
- **Three cents of the current recordation tax.**
- **An additional 1.5 cents per gallon tax on diesel fuel to equalize the rate of the fuels tax on gasoline and diesel fuel.**

**Transportation Administration**

The recommendation pro-vides for only the Governor to make appointments to the Commonwealth Transporta-tion Board.

**Local Impact Fees**

The Governor's recommenda-tion extends the authority to impose road impact fees to any county, city, or town that has adopted zoning and that (i) has a population of at least 20,000 and population growth of at least 5% or (ii) has population growth of 15%.

**SB 738. *Psychiatric Inpatient Treatment of Minors Act; certain judges, etc., author-ized to perform hearings.*** The Governor's proposed amendment removes unnec-essary language from the bill.

**SB 745. *CRESPA; felons as settlement agents.*** The Governor's amendments clarify that a person who has been convicted of a felony is prohibited from acting as a settlement agent unless he has had his civil rights restored by the Governor or has been granted a writ of actual innocence.

**SB 749. *Two-Year College Transfer Grant Program.*** Technical amendments.

**SB 771. *Virginia Public Building Authority; water treatment.*** See HB 1710.

**SB 781. *Public uses; eminent domain.*** See HB 2954.

**SB 785. *Income tax deduction; Virginia College Savings Plan.*** In the enrolled bill, the income tax deduction for tuition savings plans was increased from \$2,000 to \$4,000, for tax years beginning on and after January 1, 2009. The Governor's recommendation phases in, over a 4-year period, the increased tax deduction for such contributions. Beginning in tax year 2009, the deduction of \$2,000 would increase to \$2,500; in 2010 it would be \$3,000; in 2011 it would be \$3,500; and in 2012 and thereafter it would be \$4,000.

**SB 787. *Emergency preparedness; animal protection.*** The Governor's amendments change the definitions of the types of animals that the Department of Emergency Management must consider in

developing an animal emergency response plan. The original bill applied to agricultural and companion animals as defined in Title 3.1. The amendments would apply to household pets and service animals.

**SB 829. *Traffic signal enforcement programs; civil penalty.***

The enrolled bill grants localities the authority to operate traffic signal enforcement systems. Localities may install photo-monitoring systems at no more than one intersection for every 10,000 residents at one time. Provisions within the bill limit the use and retention of recorded images and provide other parameters and limitations for localities. The amendment proposed by the Governor allows localities within Planning District 8 (Northern Virginia) to install and operate traffic light signal photo-monitoring systems at no more than 10 intersections, or at no more than one intersection for every 10,000 residents within each county, city, or town, whichever is greater, at any one time.

**SB 838. *Disclosures in land use proceedings.***

The bill as amended by the Governor will apply only to counties with the urban county executive form of government (Fairfax County) and rather than require certain disclosure of business or financial relationships for each member of certain public

bodies in any proceeding involving an application for the amendment of a comprehensive plan, will require Fairfax County to develop guidelines for such disclosures.

**SB 840. *Election procedures; voting equipment requirements; recounts.*** See HB 2707.

**SB 841. *Virginia Coastal Energy Research Consortium; membership.*** The Governor's amendments add Hampton University to the Virginia Coastal Energy Research Consortium. The university's president, or his designee, is added to the board of the Research Consortium.

**SB 874. *Speedy trial.*** The Governor's amendment replaces the word "adult" with the word "accused" so as to clarify that the protections afforded by the speedy trial law apply in any district court to any accused, whether adult or juvenile.

**SB 880. *Expungement of police and court records.*** The Governor's amendment adds the term "any offense defined in Title 18.2," to the provisions of the expungement statute to provide that expungement is available, not only for any crime, but for any other offense set forth in Title 18.2 that is not a crime.

**SB 882. *Loss of hunting lands.*** The enrolled bill establishes a policy that there will be no net loss of public

lands on which hunting occurs. The Governor's amendment clarifies that the "no net loss" policy applies to lands managed by the Department of Game and Inland Fisheries.

**SB 918. *Revised Uniform Anatomical Gift Act (UAGA); replaces current provisions in the Code with this act.*** The bill as passed makes any purchase or sale of a body part for the purpose of transplantation, research, therapy or education a Class 4 felony if removal of the part from an individual is intended to occur after the individual's death. The Governor's proposed amendments create an exception for hair, ova, blood, and other self-replicating body fluids, but extend the prohibition to include a sale, offer to sell, purchase, offer to purchase or any other procurement through purchase of any natural body part for any reason. The proposed amendments also revise language which previously allowed a person to charge a reasonable amount for the removal, processing, preservation, quality control, storage, transportation, implantation or disposal of a part to state that nothing shall prohibit the reimbursement of reasonable expenses associated with such activities.

**SB 924. *Law-enforcement escorts.*** Technical amendment.

**SB 948. *Pendente lite spousal support; guidelines.*** The Governor's amendment clarifies that the pendente lite guidelines delimited in the bill only apply when the parties' combined monthly income does not exceed \$10,000.

**SB 969. *Condominium and Property Owners' Association Acts; no declaration to prohibit display of certain flag.*** See HB 1836.

**SB 1001. *Freedom of Information Act; electronic communication meetings, report.*** The Governor's amendments change the notice requirement for electronic communication meetings that are allowed under the Freedom of Information Act from three to seven days.

**SB 1046. *Virginia Military Family Relief Fund; assistance after active duty.*** The Governor's amendment adds an emergency enactment clause.

**SB 1047. *Conveyance of state-owned property; Southampton County.*** Technical Amendment.

**SB 1063. *Real estate tax; limitation on tax rate.*** The enrolled bill, among other things, increases from seven to 30 days the minimum notice that a locality must give the public of a public hearing in which the locality proposes to increase its total real estate tax levies more than 101% of the

prior year's tax levies. The Governor's amendment reduces the amount of the increase to 14 days.

**SB 1083. *State Police Headquarters, former; State to convey property to Buchanan County.*** The Governor's amendments limit the use of the property by Buchanan County to public safety or law-enforcement purposes; otherwise the property reverts to the Commonwealth.

**SB 1091. *Coal miner certification and mine safety.*** See HB 3190.

**SB 1136. *Indians, Council on; changes membership thereof, report.*** The Governor's amendments provide that the membership of the advisory committee required to be established by the Council consist of representatives of Virginia tribes officially recognized by the Commonwealth and non-recognized Indian descendant communities. The amendments also add a provision recognizing tribal relations that includes a statement of intent for the Commonwealth to act within the spirit and intent of certain original treaties to the extent permitted by the United States Constitution when dealing with official recognized tribes.

**SB 1139. *Administrative Process Act; amends by renumbering provisions of various codes.*** Technical amendments.

**SB 1140. Scrap metal processors.** The Governor's amendment in the nature of a substitute adds stainless steel to the definition of nonferrous scrap, and excludes it from the definition of ferrous scrap. Other amendments are technical.

**SB 1144. Incident management.** Technical amendment.

**SB 1147. Technical Diploma; established.** See HB 2039.

**SB 1168. Waiver on compensation cap for court-appointed attorneys.** See HB 2361.

**SB 1203. Sexually violent predators; civil commitment.** The substitute bill replaces the term "physical castration" with "a full range of treatment options" so as not to limit the investigation of alternative treatments for sex offenders.

**SB 1215. Permit for onsite sewage disposal system installation in certain counties.** Technical amendments.

**SB 1218. Health insurance credits; teachers and other local school board employees.** See HB 2370.

**SB 1230. Required vaccinations; adds human papillomavirus vaccine.** See HB 2035.

**SB 1237. Violation of provisions of protective orders; penalty.** The Governor's amendment expands the scope of offenses giving rise to

higher punishment for subsequent protective order violations to include not only an "instant" violent offense but any violent offense, past or present. The bill, as amended by the Governor, is now identical to HB 1982.

**SB 1270. Onsite Sewage Disposal System; certificate of certain workers.** The substantive proposed amendments add a definition of "onsite sewage system," amend the definition of "operator" to include an individual employed or appointed by an owner to operate and maintain onsite sewage systems, and identify the eleventh member of the renamed Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals as a citizen member. Other technical amendments are included.

**SB 1286. Nonstock Corporation Act.** The amendment in the nature of a substitute conforms language in the bill to provisions in HB 2603 and SB 866, which have passed the General Assembly and been signed by the Governor. The inconsistent language in those bills addressed property title records and State Corporation Commission fees. The amendments also restore existing provisions regarding staggered terms for members of boards of directors. The other amendments are technical.

**SB 1296. Public uses; eminent domain.** See HB 2954.

**SB 1300. Storage of sewage sludge.** The enrolled bill allows a locality to adopt an ordinance requiring that a special exception or a special use permit be obtained to begin the storage of sewage sludge in its jurisdiction. The Governor's amendment places an emergency clause on the bill.

**SB 1301. Water Quality Improvement Fund; CSO funding for the City of Lynchburg and the City of Richmond.** The enrolled bill established a formula for funding the elimination of the combined sewer overflow (CSO) in the Cities of Lynchburg and Richmond with moneys from the Water Quality Improvement Fund. The substitute creates a special reserve account within the Water Quality Improvement Fund to ensure continued funding for the CSO projects in Lynchburg and Richmond through 2017.

**SB 1312. Powers of CTC; highway access management standards.** Technical amendment.

**SB 1339. Land application of biosolids.** See HB 2802.

**SB 1340. Appalachian Region Interstate Compact Commission.** See HB 3079.



**SB 1341. *Healthcare practitioner; authority to send laboratory results directly to patients.*** See HB 3061.

**SB 1384. *Enjoyment of easement.*** The Governor's amendment clarifies that the definitions of fence, electric fence, cattle guard, and division fence as used in the section being amended are the same as the definitions of those terms in §§ 55-298.1 through 55-322.

**SB 1413. *Alcoholic beverage control; restricted wholesale wine license.*** See HB 2450.

**SB 1416. *Electric utility regulation.*** See HB 3068.

## Governor's Vetoes

**HB 1755. *Utility Transfers Act; telephone companies.*** The enrolled bill eliminates the requirement that the State Corporation Commission approve the acquisition or disposal of control of a telephone company, or all of the assets of such a utility.

The Governor stated that such a change "would represent a significant deviation from established practice and remove an important layer of oversight that the SCC has long exercised to protect Virginia customers."

**HB 1979. *Annexation.*** The enrolled bill extends from 2010

to 2020 the temporary restriction on city annexation authority, the granting of city charters, and county immunity proceedings.

The Governor stated that "any further extension should be accompanied by a careful consideration of the effects of this 'temporary' restriction."

**HB 2048. *Statewide Fire Prevention Code; enforcement.*** The enrolled bill would prohibit, for at least two years, the State Fire Marshal from charging a fee for permits issued for the inspection of schools operated or conducted under the auspices of a religious institution. The fees are based on the size of the space being inspected.

The Governor states "There is no reason to single out any specific subset of schools and exempt them from paying this fee. It is constitutionally questionable to offer preferential financial treatment to schools simply because they are religious, and accordingly, I veto this bill."

**HB 2128. *Adjustment or relocation of billboard signs.*** The enrolled bill provides that the owner of a billboard situated on land acquired due to widening, construction, or reconstruction by purchase or by exercise of eminent domain may relocate the billboard to another location as close as practicable on the same property and may adjust

the height or angle of the billboard.

The Governor stated that "this legislation would take away local governments' regulatory power over billboards and give billboards a preferred status among other types of property. I am reluctant to strip communities of the power to fairly regulate billboards as they regulate other properties."

**HB 2347. *Capital murder of a witness in a criminal case; penalty.*** The enrolled bill provides that the willful, deliberate and premeditated killing of any witness under subpoena in a criminal case when the killing is for the purpose of interfering with the person's duties in such case is punishable as capital murder, a Class 1 felony.

The Governor stated that "Virginia is already second in the nation in the number of executions we carry out. While the nature of the offense targeted by this legislation is very serious, I do not believe that further expansion of the death penalty is necessary to protect human life."

**HB 2348. *Redefinition of the triggerman rule.*** The enrolled bill redefines the "triggerman rule" and allows principals in the second degree and accessories before the fact to be charged as principals in the first degree in the cases of murder for hire, murder

involving a continuing criminal enterprise, and terrorism. This bill allows, in all other cases of capital murder, principal in the second degree to be tried as a principal in the first degree if he had the same intent to kill as the principal in the first degree. The bill allows an accessory before the fact to be tried as a principal in the first degree if he ordered or directed the willful, deliberate, and premeditated killing. This bill is identical to SB 1288.

The Governor stated that "Virginia is already second in the nation in the number of executions we carry out. While the nature of the offense targeted by this legislation is very serious, I do not believe that further expansion of the death penalty is necessary to protect human life."

**HB 2750. Capital murder of a judge; penalty.** The enrolled bill provides that the willful, deliberate and premeditated killing of a judge or justice when the killing is for the purpose of interfering with his official duties is punishable as capital murder, a Class 1 felony. Identical provisions are contained in SB 1116.

The Governor stated that "Virginia is already second in the nation in the number of executions we carry out. While the nature of the offense targeted by this legislation is very serious, I do not believe that further expansion of the death

penalty is necessary to protect human life."

**SB 1074. Clustering of single-family dwellings.** The enrolled bill exempts any locality that is located within planning district 12, 13 or 14, except any such locality within such planning district that had a population growth rate of 20% or more from the next-to-latest to latest decennial census, from requirements to set aside a certain percentage of undeveloped property for possible cluster development.

The Governor stated that "In 2006, we created important legislation that allows for clustering of single-family dwellings. That was a smart land-use policy. SB 1074 takes steps backwards by exempting areas from this option and weakens the good policy we put in place in 2006."

**SB 1116. Capital murder of a judge or witness.** The enrolled

bill provides that the willful, deliberate and premeditated killing of a judge or justice when the killing is for the purpose of interfering with the judge's official duties is punishable as capital murder, a Class 1 felony, and that the willful, deliberate and premeditated killing of any witness under subpoena in a criminal case when the killing is for the purpose of interfering with the person's duties in such case is punishable as capital murder, a Class 1 felony.

The Governor stated that "Virginia is already second in the nation in the number of executions we carry out. While the nature of the offense targeted by this legislation is very serious, I do not believe that further expansion of the death penalty is necessary to protect human life."

**SB 1288. Redefinition of the triggerman rule.** See HB 2348.

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***Bills Returned by the Governor to  
the Regular Reconvened Session (1986-2007) \****

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
2006	Kaine	123	7	130	947	15.7
2007		106	10	116	841	13.8

\* Totals do not include line item vetoes of Budget Bills.

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

*Division of Legislative Services 4/2007.*

2007

VIRGINIA DIVISION OF LEGISLATIVE SERVICES

**E. M. Miller, Jr., Director**

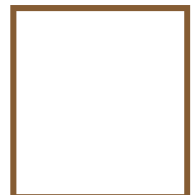
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## SUMMARY 2007 RECONVENED SESSION: APRIL 4, 2007

### VETOES

<b>Bills Vetoed</b>	<b>10</b>
<b>Vetoed Sustained</b>	<b>7</b>
<b>Overridden</b>	<b>3</b>

### AMENDMENTS

<b>Bills with Governor's Amendments</b>	<b>107</b>
<b>Bills – All Amendments Accepted</b>	<b>87</b>
<b>Bills – All Amendments Rejected or Ruled Out of Order</b>	<b>17</b>
<b>Bills – All Amendments Rejected and Bill Passed as Originally Enrolled</b>	<b>0</b>
<b>Bills – Amendments Rejected in Part</b>	<b>3</b>

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### List of Bills With Actions Other Than Agreement to All Amendments by Both Houses

Senate Rejects All Amendments/Bill Returned to Governor [Senate Bills]	<b>SB 874</b> (McDougle) Speedy trial. <b>SB 1001</b> (Houck) FOIA: electronic communication.
House Rejects All Amendments/ Bill Returned to Governor [House Bills and Senate Bills]	<b>HB 1817</b> (Suit) Vehicle titling <b>HB 1908</b> (Albo) Child restraint devices. <b>HB 2028</b> (Sherwood) Winchester charter. <b>HB 2261</b> (Rust) Zoning; overcrowding. <b>HB 2422</b> (Griffith) Smoking in restaurants prohibited.

**\*HB 2673** (Griffith)\*  
Sentencing jury deadlock.  
**HB2707** (Hugo)  
Electronic voting equipment.  
**HB 2951** (Cosgrove)  
U.S. Route 17 tolls.  
**HB 3079** (Bowling)  
Appalachian Region Interstate Compact.  
**SB 785** (Bell)  
Virginia College Savings Plan.  
**SB 840** (Davis)  
Electronic voting equipment.  
**SB 1063** (Rerras)  
Real estate tax.  
**SB 1203** (Hanger)  
Sexually violent predators.  
**SB 1301** (Newman)  
Water Quality Improvement Fund.  
**SB 1340** (Puckett)  
Appalachian Region Interstate Compact.

\*amendments ruled not germane\*

House and Senate Reject Amendments  
In Part

**HB 2361** (Putney)  
Court-appointed counsel compensation.  
[House rejected #'s 1-6, accepted #'s 7-13; Senate accepted #'s 7-13.]

**SB 838** (Davis)  
Disclosures in land use proceedings.  
[House and Senate accepted #'s 1 and 2; Senate accepted # 3, House rejected # 3.]

**SB 1168** (Stolle)  
Court-appointed counsel compensation  
[Same as HB 2361]  
[Senate rejected #'s 1-6, accepted #'s 7-13; House accepted #'s 7-13.]

Revised 4/13/2007 5:00p.m.

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