

Governor's Amendments and Vetoes

2013 General Assembly Session



The Governor vetoed six bills and recommended amendments to 85 bills, including the Budget Bill, passed by the 2013 General Assembly. The Division of Legislative Services staff prepared the following summaries to assist General Assembly members during their deliberations at the Reconvened Session on April 3. Not included are five bills returned with amendments and acted upon by the members during the 2013 Regular Session and the Budget Bill.

Governor's Amendments

HB 1350. Mathematics assessments; targeted remediation and intervention for computational deficiencies. Technical amendment.

HB 1398. Land preservation tax credits; Budget Bill to include an appropriation for land preservation. The enrolled bill requires the Governor to include in the Budget Bill that he submits to the General Assembly an appropriation to be used for land preservation equal to the difference between \$100 million, and \$100 million indexed to the annual increase in the Consumer Price Index. The Governor's amendments would not mandate this recommended appropriation, but would make it a priority of the Governor to include it in his Budget Bill. The Governor's amendments also cap the amount to be recommended for appropriation at \$20 million per year.

HB 1420. Board of Education; definition of "intervener." The enrolled bill requires the Board of Education to promulgate regulations defining "intervener" as an individual with knowledge and skill in the mode of communication of a deaf-blind student and who can communicate to the deaf-blind student what is occurring in the student's educational

setting. The Governor's substitute removes the requirement for the Board to promulgate regulations and instead requires the definition in the bill to be used for the purposes of any regulations promulgated by the Board.

HB 1440. Charter; Town of Monterey. The enrolled bill indicates the boundaries of the town by referring to the chapter of the Acts of Assembly of 1952 in which the boundaries are described. The Governor's amendment sets out those boundaries by metes and bounds.

HB 1482. Department of Professional and Occupational Regulation; Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals. The enrolled bill allows only Class 1 wastewater works operators to be eligible to sit for the conventional onsite sewage system operator examination. The Governor's amendments allow any licensed wastewater works operator to sit for the exam.

HB 1562. Dangerous and vicious dogs. Technical amendment. HB 1562 is identical to SB 828 as enrolled. SB 828 had the same technical amendment enacted during the Regular Session.



HB 1577. TANF; restrictions on use of cash assistance; not to access cash through electronic transaction. Technical amendment.

HB 1589. Derelict nonresidential building or structure; demolition by locality. The enrolled bill provides that the property owner shall identify whether the property is subject to a first lien evidenced by a recorded deed of trust and requires documentation of the owner's efforts to obtain the consent of the trustee. The Governor's substitute preserves the references to the deed of trust and adds the option of a mortgage; subsequent references to the trustee are replaced by references to the first lienholder or the first lienholder's authorized agent. SB 744, which is identical as enrolled, has the same Governor's substitute.

HB 1609. Higher education; mental health treatment coordination. The enrolled bill provides that the governing board of each public four-year institution of higher education may establish written memoranda of understanding with its local community services board or behavioral health authority and with local hospitals and other local mental health facilities in order to expand the scope of services available to students seeking treatment. The Governor's amendment requires the governing board of each public four-year institution of higher education to establish such memoranda of understanding.

HB 1627. Transfer of property by VDOT. The enrolled bill authorizes the Virginia Department of Transportation to convey certain real property it owns in Fauquier County in exchange for other real property in Fauquier County to be used for a park-and-ride. The Governor's amendment removes the requirement that the Department of General Services review the conveyance; such review is not required for this type of land transfer.

HB 1633. Selective pruning permits; local beautification projects. Technical amendment.

HB 1645. Board for Contractors; tradesmen license. The enrolled bill provides that licenses for tradesmen shall be valid for three years from the date of issuance by the Board for Contractors (Board). The Governor's substitute provides for the Board to evaluate continuing education requirements for tradesmen considering a number of factors and to initiate regulatory action to reduce unnecessary burdens. The Governor's substitute also provides for the Board to provide a report on its findings to the Chairs of the House Committee on General Laws and the Senate Committee on General Laws and Technology by November 1, 2013.

HB 1704. Prescription Monitoring Program; disclosure of information to local law enforcement. The enrolled bill adds an agent designated by the chief law-enforcement officer of any county or city to the list of individuals to whom the Department of Health Professions must disclose information relevant to a specific investigation of a specific recipient, dispenser, or prescriber upon request and provides that agents designated by the Superintendent of the Department of State Police or the chief law-enforcement officer of a county or city to receive information relevant to a specific investigation of a specific recipient, dispenser, or prescriber shall have completed the Virginia State Police Drug Diversion School. The Governor's amendments add agents designated by the chief law-enforcement officer of a town or campus police department to that same list of individuals.

HB 1707. Unemployment compensation; notice penalty for fraud. The enrolled bill requires the Virginia Employment Commission to provide claimants with notices of the sanctions to which a claimant is subject as a consequence of providing false or misleading statements to obtain state unemployment compensation benefits. The Governor's amendment clarifies that the failure of the claimant to receive such notices shall not constitute a defense to any criminal prosecution for fraud, to an

administrative fraud disqualification, or to any overpayment of benefits that the claimant would be required to repay.

HB 1718. Reimbursement of Department of Transportation for termination or alteration of certain transportation projects. Technical amendments.

HB 1757. Wetland and Stream Replacement Fund. Technical amendment.

HB 1796. Death certificate; timely return to funeral director. The enrolled bill adds certain individuals to the list of individuals who may complete and sign a death certificate in the absence of the physician in charge of a patient's care for the illness or condition that resulted in death, or with such physician's approval. The Governor's amendments require added individuals to be doctors of medicine, doctors of osteopathic medicine, physician assistants, or nurse practitioners.

HB 1816. Allowing child or incapacitated person to be present in methamphetamine manufactory; penalty. The enrolled bill provides that any person 18 years of age or older who knowingly allows a child younger than 15 years of age or a mentally incapacitated or physically helpless person to be present in the same dwelling, apartment, unit of a hotel, garage, shed, or vehicle during the manufacture or attempted manufacture of methamphetamine is guilty of a felony punishable by imprisonment for not less than 10 nor more than 40 years. The Governor's substitute reorganizes the language of the enrolled bill without making substantive changes.

HB 1824. Virginia port volume increase tax credit. Current law allows certain taxpayers engaged in the manufacturing of goods or the distribution of manufactured goods to utilize the port volume increase tax credit. The enrolled bill, among other things, eliminates the ability of a distributor to use the credit. The Governor's amendment restores the

ability of a distributor of manufactured goods to use the credit.

HB 1825. Duck blinds. Technical amendment.

HB 1833. Reorganizing and recodifying the law related to carrying concealed weapons and concealed handgun permits. The enrolled bill reorganizes the existing § 18.2-308 into a new Article 6.1 in Chapter 7 of Title 18.2 of the Code of Virginia. The Governor's amendment corrects a cross reference.

HB 1836. Local budgets; itemized expenditures shall include any discretionary funds to be designated, etc. Technical amendment.

HB 1850. Assault and battery; local and regional correctional facility employees; penalty. The enrolled bill adds employees of local or regional correctional facilities to the enhanced penalty provision so that the assault and battery of such an officer who is engaged in the performance of his public duties is a Class 6 felony, with a six-month mandatory minimum term of confinement. The Governor's amendments revise the language of the enrolled bill without making substantive changes in order to accommodate another bill that amends the same Code section.

HB 1861. Residential property; certain notice of sale. Technical amendment.

HB 1862. Sex Offender and Crimes Against Minors Registry Act; offenses requiring registration. Technical amendments. SB 1032, which is identical as enrolled, has the same Governor's amendments.

HB 1864. School-based offenses; delinquency charges. The enrolled bill clarifies that a local law-enforcement agency is not required to file delinquency charges against a student and that a school and a local law-enforcement agency may deal with school-based offenses through graduated sanctions or educational programming after a school

principal reports to a local law-enforcement agency certain acts by the student that may constitute a criminal offense. The enrolled bill also requires the Board of Education and the Department of Criminal Justice Services to develop a model cooperative agreement between schools and local law-enforcement agencies for dealing with school-based offenses. The Governor's amendments further clarify that it is the school that may deal with school-based offenses through graduated sanctions or educational programming and such sanctioning or programming may only occur if law enforcement has not filed charges. The Governor's amendments also remove the requirement for the Board of Education and the Department of Criminal Justice Services to develop a model cooperative agreement.

HB 1900. Health insurance reform. The enrolled bill revises Virginia's laws pertaining to the regulation of health insurance and related products in order to be consistent with relevant requirements of the federal Patient Protection and Affordable Care Act (PPACA) that become effective on January 1, 2014. The Governor's amendment adds a provision that no qualified health insurance plan that is sold or offered for sale through a health benefit exchange established or operating in the Commonwealth shall provide coverage for abortions, regardless of whether such coverage is provided through the plan or is offered as a separate optional rider to such plan. This limitation shall not apply to an abortion performed (i) when the life of the mother is endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself, or (ii) when the pregnancy is the result of an alleged act of rape or incest. SB 921, which is identical as enrolled, has the same Governor's amendment.

HB 1907. Driving while texting. The enrolled bill set a mandatory minimum fine of \$500 for reckless driving while texting, \$250 for first offense texting, and \$500 for second or subsequent offense texting.

The Governor's amendments reduce the mandatory minimum fine for reckless driving while texting to \$250, fine for first offense texting to \$125, and fine for second or subsequent offense texting to \$250. The Governor's amendments also add a second enactment clause that requires the Department of Criminal Justice Services to make training on such offenses available to state and local law-enforcement agencies. SB 1222, which is identical as enrolled, has the same Governor's amendments.

HB 1983. Loudoun County; vesting of real property of former Town of Waterford. The enrolled bill provides that title to the real property held in the name of the former Town of Waterford shall be vested in the County of Loudoun. The Governor's substitute authorizes the Department of General Services, with the Governor's approval, to convey to the County of Loudoun the Commonwealth's interest in the real property held in the name of the former Town of Waterford. The Governor's substitute also sets out procedures for the conveyance and provides that the act does not alter any private right to property or the status of any road in the state highway system.

HB 2005. Virginia Housing Partnership Revolving Fund. The enrolled bill renames the Virginia Housing Partnership Revolving Fund to the Virginia Housing Trust Fund (Fund) and codifies language in the latest appropriation act in which \$7 million was appropriated to the Fund. The Governor's amendments clarify the role of the Virginia Housing Development Authority regarding expenditures and investments of the Fund. The remaining Governor's amendments are technical.

HB 2012. Moratorium on drones. The enrolled bill places a moratorium on the use of unmanned aircraft systems by state and local law enforcement and regulatory entities until July 1, 2015, except in defined emergency situations and except for certain Virginia National Guard functions. The Governor's substitute clarifies that when an unmanned aerial system (drone) is used for a search and rescue operation (already permitted under the language of the bill as sent to the

Governor) it is to be used when necessary to alleviate an immediate danger to a person or for related training purposes. The Governor's substitute also provides that drones may be used by institutions of higher education and other research organizations or institutions "solely for research and development purposes." Finally, the Governor adds a second enactment clause to require the Department of Criminal Justice Services, in consultation with the Office of the Attorney General and other state agencies, to develop protocols for use of drones by law-enforcement agencies and report its findings to the Governor and the General Assembly on or before November 1, 2013. SB 1331, which is identical as enrolled, has the same Governor's amendments.

HB 2047. Long-term care insurance tax credit.

The enrolled bill would repeal the tax credit for long-term care insurance premiums paid during the taxable year, but leave in place the income tax deduction for payment of the same. The Governor's substitute sunsets the tax credit beginning January 1, 2017, and keeps in place the income tax deduction. The Governor's substitute also directs the Secretary of Health and Human Resources and the Secretary of Finance to develop ways to educate the public about the tax credit as a means for planning for long-term care and directs the Secretaries to report to the chairmen of the money committees by December 1, 2015, as to whether use of the credit has increased due to the implementation of the federal Patient Protection and Affordable Care Act.

HB 2048. Transfer of water quality programs.

Technical amendments. SB 1279, which is identical as enrolled, has the same Governor's amendments.

HB 2102. Uniform Commercial Code - Secured Transactions.

The enrolled bill provides that a filing under Article 8.9A of the Uniform Commercial Code does not occur with respect to an initial financing statement or amendment thereto that the State Corporation Commission refuses, or may have refused, to file under specified conditions. The

Governor's amendment eliminates a potential conflict with another provision of Article 8.9A by deleting the application of this measure to filings that the Commission "may have refused" to file.

HB 2137. Local governments; environmental impact reports, purchase of certain deicing agents, etc.

The enrolled bill permits municipal corporations to apply deicing agents containing urea for the purpose of deicing airports owned or operated by the corporation. The Governor's amendments limit the entities permitted to apply the deicing agent to municipal corporations located in Planning District 11 or political subdivisions located in Planning District 6 or 7, and it limits the types of airports where the deicing agent may be applied to those that are classified by the Virginia Air Transportation System Plan as Commercial Service airports or General Aviation Regional airports.

HB 2211. Stalking felony offenses.

The Governor's amendment reinserts the second enactment clause that sets forth the corrections fiscal impact of the measure. The clause was stricken by error from the conference report.

HB 2254. Management of the menhaden fishery.

The enrolled bill establishes a total allowable landings in metric tons per year for Atlantic menhaden. The total allowable landings represents a 20 percent reduction from the average 2009, 2010, and 2011 landings, as mandated by the Atlantic States Marine Fisheries Commission. The Governor's amendment precludes the use of any gear that has not been used in the harvesting of menhaden during the period 2002 through 2011. SB 1291 had the same Governor's amendment enacted during the Regular Session.

HB 2269. Pornography; mandatory minimum sentence.

The enrolled bill provides that the mandatory minimum term of imprisonment imposed on a person convicted of certain child pornography offenses in violation of § 18.2-374.1:1 must be

served consecutively with any other sentence imposed on such person. The Governor's substitute adds certain other crimes that impose mandatory minimum sentences and requires that such sentences be served consecutively with any other sentence imposed. The crimes added by the Governor's substitute are §§ 16.1-253.2 (violation of protective orders), 18.2-46.3:3 (street gang activity in gang-free zone), 18.2-60.4 (violation of protective orders), 18.2-61 (rape), 18.2-67.1 (forcible sodomy), 18.2-67.2 (object sexual penetration), 18.2-154 (shooting or throwing missiles at law-enforcement or emergency vehicles), 18.2-308.2:2 (purchasing firearm with intent to resell or provide to a person ineligible to purchase or receive a firearm), and 18.2-374.1 (production of child pornography). SB 832, which is identical as enrolled, has the same Governor's substitute.

HB 2276. Virginia Port Authority; membership of the Commonwealth Transportation Board. The enrolled bill implements reforms of the Virginia Port Authority. The Governor's amendments provide that members of the Board of Commissioners of the Virginia Port Authority will continue to serve at the pleasure of the Governor (and not be removable from office by the Governor solely for malfeasance, misfeasance, incompetence, or gross neglect of duty). The Governor's amendments also provide that the Virginia Port Authority's power to effect a change in ownership or operation of the Port of Virginia will be subject to the provisions of § 62.1-132.19 of the Code of Virginia (Acquisition and lease of property). SB 1305, which is identical as enrolled, has the same Governor's amendments.

HB 2304. Commercial use of seals. Technical amendment.

HB 2306. Eminent domain; just compensation; tax assessments. The enrolled bill provides that just compensation paid for real property taken pursuant to eminent domain shall not be less than the appraisal of the fair market value of such property, if such an

appraisal is required, or the current assessed value of such property for real estate tax purposes when the entire parcel for which the assessment has been made is to be acquired, whichever is greater. The Governor's amendments provide that the current assessed value of the property must be considered for determining just compensation only if the property has not physically changed in a material and substantial way since the current assessment was made, such that the assessment no longer represents the property's value.

HB 2312. Compounding pharmacies. Technical amendments.

HB 2313. Revenues and appropriations primarily for transportation. The Governor's substitute (i) decreases the motor vehicle sales and use tax as it was amended in the enrolled bill from 4.3 percent to 4.15 percent when fully phased in; (ii) makes the regional taxes and fees in the enrolled bill applicable to Planning Districts that, currently or in the future, meet certain population, motor vehicle registration, and transit ridership criteria; (iii) reduces the regional transient occupancy tax from 3 percent to 2 percent; (iv) reduces the regional congestion relief fee on the recordation of the sale or lease of real estate from \$0.25 per \$100 of value of the real estate to \$0.15 per \$100 of value; and (v) reduces the annual license tax on hybrid electric motor vehicles from \$100 to \$64. Under the substitute, a regional 0.7 percent sales tax, regional congestion relief fee of \$ 0.15 per \$100 of real property value, and 2 percent transient occupancy tax would be applicable to counties and cities in Northern Virginia, and a regional 0.7 percent sales tax and 2.1 percent wholesale fuels tax would be applicable to counties and cities in Hampton Roads. In addition to the counties and cities in Hampton Roads named in the enrolled bill, the substitute would make the Hampton Roads regional taxes applicable to the City of Franklin and the Counties of Southampton and Surry.

HB 2320. City of Virginia Beach; sports or entertainment arena. The enrolled bill authorizes Virginia Beach to retain certain sales and use tax revenues derived from the operation of a potential sports or entertainment arena. The Governor's amendments specify that the arena would not be eligible to retain any new sales and use tax revenues raised for transportation purposes, or newly allocated for transportation purposes, by the 2013 Session of the General Assembly. The Governor's amendments parallel amendments proposed to HB 2313 (the transportation funding bill) that would place the same limitation on other public facilities entitled to certain sales and use tax revenues generated by the facilities.

HB 2331. Election laws; enforcement and prosecution. The Governor's amendment reinserts existing language, currently in § 24.2-104 of the Code of Virginia but omitted from the enrolled bill, that the Attorney General has full authority to enforce election laws and prosecute violations thereof when the State Board of Elections has unanimously requested that the Attorney General assist the attorney for the Commonwealth in a jurisdiction in which election laws have been violated.

HB 2347. Confidentiality of juvenile law-enforcement records; disclosures to school principal. The enrolled bill deals with disclosures of juvenile law-enforcement records. The Governor's amendment allows law enforcement to share with private school principals the same law-enforcement records concerning juveniles that it can share with public school principals and allows private school principals to share information with threat assessment teams established by local school divisions.

SB 744. Derelict nonresidential building or structure; demolition by locality. The enrolled bill provides that the property owner shall identify whether the property is subject to a first lien evidenced by a recorded deed of trust and requires documentation of the owner's efforts to obtain the consent of the trustee. The Governor's substitute preserves the references to the deed of trust and adds

the option of a mortgage; subsequent references to the trustee are replaced by references to the first lienholder or the first lienholder's authorized agent. HB 1589, which is identical as enrolled, has the same Governor's substitute.

SB 775. Unemployment compensation; noncharging of overpayments; penalty for fraudulent claims. The enrolled bill conforms the Virginia Unemployment Compensation Act to provisions of the federal Trade Adjustment Assistance Extension Act of 2011 (TAAEA) relating to program integrity, including a requirement that prohibits an employer's account from being relieved from a claimant's benefit charges relating to an overpayment of unemployment benefits when (i) the overpayment results from the employer's failure to respond timely or adequately to a request for information and (ii) the employer has established a pattern of failing to respond timely or adequately to such requests. The Governor's amendments, which were identified by the U.S. Department of Labor as required in order to comply with the TAAEA, delete the condition that an employer's failure to respond to the VEC's requests for information resulted in an erroneous payment to a claimant.

SB 779. Limited liability companies; assignment of interest. The enrolled bill amends the Virginia Limited Liability Company Act to permit the assignee of an interest in a limited liability company to participate in the management and affairs of the limited liability company, become a member of the limited liability company, receive distributions, and have other rights, if provided in the articles of organization or an operating agreement. The Governor's amendment resolves a potential conflict between provisions in the Virginia Limited Liability Company Act by clarifying that an assignment does not entitle the assignee to participate in the management and affairs of the limited liability company or to become or to exercise any rights of a member except as provided in the provision of the Act that states that, unless otherwise provided in the

articles of organization or an operating agreement, an assignee of an interest in a limited liability company may become a member only by the consent of a majority of the member-managers (other than the assignor member) of a manager-managed limited liability company of which one or more members is a manager, or by a majority vote of the members (other than the assignor member) of any other limited liability company.

SB 804. Voluntary boundary agreement between localities; attachment of GIS map to petitions.

The enrolled bill provides that a general description of the new boundary line shall accompany a Geographic Information System (GIS) map that is attached to a petition for the approval of a change in the boundary between the Counties of Louisa and Goochland. The Governor's amendments remove the general description requirement and add the requirement that the GIS map shall have been established by Virginia State Plane Coordinates, South Zone, and shall have met National Geodetic Survey standards.

SB 832. Pornography; mandatory minimum sentence. The enrolled bill provides that the mandatory minimum term of imprisonment imposed on a person convicted of certain child pornography offenses in violation of § 18.2-374.1:1 must be served consecutively with any other sentence imposed on such person. The Governor's substitute adds certain other crimes that impose mandatory minimum sentences and requires that such sentences be served consecutively with any other sentence imposed. The crimes added by the Governor's substitute are §§ 16.1-253.2 (violation of protective orders), 18.2-46.2 (street gang activity in gang-free zone), 18.2-60.4 (violation of protective orders), 18.2-61 (rape), 18.2-67.1 (forcible sodomy), 18.2-67.2 (object sexual penetration), 18.2-154 (shooting or throwing missiles at law-enforcement or emergency vehicles), 18.2-308.2:2 (purchasing firearm with intent to resell or provide to a person ineligible to purchase or receive a

firearm), and 18.2-374.1 (production of child pornography). HB 2269, which is identical as enrolled, has the same Governor's substitute.

SB 839. Local boundaries for law-enforcement purposes. The enrolled bill provides that localities may designate mutually agreed-upon boundary lines between contiguous localities for purposes of organizing 911 dispatch and response, determining territorial jurisdiction in criminal cases, and clarifying issues related to coverage under workers' compensation and risk management laws. The Governor's amendment removes the determination of territorial jurisdiction in criminal cases from the purposes for which localities may designate such boundary lines.

SB 887. Operation of unregistered farm use vehicles. Technical amendment.

SB 892. Operation of certain unregistered vehicles by commercial fishermen. Technical amendments.

SB 899. Bumper stickers on school buses. The enrolled bill authorizes local school divisions to place decals on the rear of school buses noting that the buses stop at railroad crossings. The Governor's amendments remove that provision and authorize local school boards to place decals on school buses related to school bus safety, provided that such decal does not obstruct the name of the school division or the number of the school bus.

SB 921. Health insurance reform. The enrolled bill revises Virginia's laws pertaining to the regulation of health insurance and related products in order to be consistent with relevant requirements of the federal Patient Protection and Affordable Care Act (PPACA) that become effective on January 1, 2014. The Governor's amendment adds a provision that no qualified health insurance plan that is sold or offered for sale through a health benefit exchange established or operating in the Commonwealth shall provide coverage for abortions, regardless of whether such

coverage is provided through the plan or is offered as a separate optional rider to such plan. This limitation shall not apply to an abortion performed (i) when the life of the mother is endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself, or (ii) when the pregnancy is the result of an alleged act of rape or incest. HB 1900, which is identical as enrolled, has the same Governor's amendment.

SB 960. Public schools; residency of children in kinship care. The enrolled bill allows a child receiving kinship care from an adult relative to enroll in the school division where the kinship care provider resides. The bill also allows local school divisions to require one legal parent and the kinship care provider to sign affidavits detailing the kinship care arrangement as well as a power of attorney authorizing the adult relative to make educational decisions regarding the child. The bill also authorizes school divisions to require the parent or adult relative to obtain written verification from the department of social services where the parent or parents live, or from both that department and the department of social services where the kinship provider lives, that the kinship arrangement serves a legitimate purpose other than school enrollment. The Governor's amendments require that the affidavits be notarized and that the legitimate purpose be in the best interest of the child.

SB 1009. Neighborhood Assistance Act tax credits. The enrolled bill makes several changes to the requirements that a neighborhood organization must meet in order for a proposal to be approved under the Neighborhood Assistance Act tax credit program. The Governor's amendments exempt affiliates serving students in elementary or secondary schools from the requirement in the enrolled bill that both a neighborhood organization and its affiliates meet the Neighborhood Assistance Act Tax Credit guidelines and regulations in order for a proposal for

tax credits to be approved. The other Governor's amendments are technical.

SB 1024. Administrative Process Act; DCJS; exemption. The enrolled bill gives an exemption from the Administrative Process Act for the development, issuance, or revision of training standards established by the Criminal Justice Services Board. The Governor's amendment adds the stipulation that any development, issuance, or revision to such training standards must be authorized by the Governor in the interest of public safety.

SB 1032. Sex Offender and Crimes Against Minors Registry Act; offenses requiring registration. Technical amendments. HB 1862, which is identical as enrolled, has the same Governor's amendments.

SB 1033. Correctional centers; adult and juvenile; penalties. The enrolled bill, for selected offenses, imposes the same penalties for offenses committed by persons confined in a juvenile correctional center as currently exist for adult prisoners. The Governor's amendments add persons directly involved in the care, treatment, or supervision of persons in the custody of or under the supervision of the Department of Juvenile Justice and employees or other individuals who provide control, care, or treatment of sexually violent predators committed to the custody of the Department of Behavioral Health and Developmental Services who are engaged in the performance of public duties to the enhanced penalty provision of the assault and battery statute.

SB 1038. Non-conventional vehicles. Technical amendment.

SB 1052. Revising and recodifying the laws pertaining to wills, trusts, and fiduciaries. Technical amendment.

SB 1083. Synthetic cannabinoids and research chemicals. The enrolled bill amends provisions added to the Code of Virginia in previous years regarding the criminalization of synthetic

cannabinoids and chemicals known as “research chemicals” (previously referred to as “bath salts”) to add newly identified chemical compounds and structural classes. The Governor’s amendments add new compounds to the list of synthetic cannabinoids and research chemicals found to have been developed since the emergency signing of HB 1941.

SB 1097. Deaf and hearing-impaired children; special education. The enrolled bill permits local school divisions to ensure that individualized education program (IEP) teams consider the specific communication needs of hearing-impaired children and address those needs as appropriate in the child’s IEP. The Governor’s substitute makes certain technical and substantive changes to make the bill identical to HB 1344, such as providing for access to “speech-language pathologists” and including “cued speech” in the definition of “communication mode or language mode.”

SB 1117. Virginia Uniform Certificate of Title for Watercraft Act; adoption of Act. Technical amendments.

SB 1194. Juvenile alleged to be truant; development of truancy plan. The enrolled bill provides that in cases in which a school attendance officer files a complaint alleging that a juvenile is a truant and the juvenile has not previously been proceeded against informally or adjudicated in need of supervision for failure to comply with compulsory school attendance laws, the intake officer may defer filing of a petition alleging that the child is in need of supervision for 90 days and proceed informally. The enrolled bill also specifies that the provisions of this act shall not become effective unless reenacted by the 2014 Session of the General Assembly. The Governor’s amendment removes the reenactment clause.

SB 1195. Entrepreneur-in-Residence Program. The enrolled bill creates the Entrepreneur-in-Residence Program, a pilot program administered by the Secretary of Commerce and Trade to improve

outreach by state government to the private sector. The Governor’s amendment removes the requirement for the Secretary of Commerce and Trade to provide recommended implementation guidelines to the Entrepreneur-in-Residence Program.

SB 1218. DMV; customer service. Technical amendment.

SB 1222. Driving while texting. The enrolled bill set a mandatory minimum fine of \$500 for reckless driving while texting, \$250 for first offense texting, and \$500 for second or subsequent offense texting. The Governor’s amendments reduce the mandatory minimum fine for reckless driving while texting to \$250, fine for first offense texting to \$125, and fine for second or subsequent offense texting to \$250. The Governor’s amendments also add a second enactment clause that requires the Department of Criminal Justice Services to make training on such offenses available to state and local law-enforcement agencies. HB 1907, which is identical as enrolled, has the same Governor’s amendments.

SB 1261. Health benefit exchange; regulation of navigators. The enrolled bill regulates the activities of an individual or entity selected to serve as a navigator in a health benefit exchange. The Governor’s amendments are technical, and include deleting the definition of a term that is no longer used in the new article.

SB 1270. Marina operators to file lists of boat owners. The enrolled bill includes state and local agencies among certain operators of marinas or boat storage places that must file with the commissioner of the revenue a list of boat owners and the name and number of the boats in the marina. The Governor’s amendment exempts state and local agencies from the criminal penalty imposed on entities violating the law.

SB 1277. Wildlife exhibitor permit. Technical amendment.

SB 1279. Transfer of water quality programs. Technical amendments. HB 2048, which is identical as enrolled, has the same Governor's amendments.

SB 1305. Virginia Port Authority; membership of the Commonwealth Transportation Board. The enrolled bill implements reforms of the Virginia Port Authority. The Governor's amendments provide that members of the Board of Commissioners of the Virginia Port Authority will continue to serve at the pleasure of the Governor (and not be removable from office by the Governor solely for malfeasance, misfeasance, incompetence, or gross neglect of duty). The Governor's amendments also provide that the Virginia Port Authority's power to effect a change in ownership or operation of the Port of Virginia will be subject to the provisions of § 62.1-132.19 of the Code of Virginia (Acquisition and lease of property). HB 2276, which is identical as enrolled, has the same Governor's amendments.

SB 1317. Property conveyance; certain real property to the Mennel Milling Company located in Roanoke County. Technical amendments.

SB 1324. Opportunity Educational Institution and Board established. The enrolled bill creates the Opportunity Educational Institution (Institution) to be administered and supervised by the Opportunity Educational Institution Board (Board). The enrolled bill requires any school that has been denied accreditation and permits any school that has been accredited with warning for three consecutive years to be transferred to the Institution and remain in the Institution for five years or until the school achieves full accreditation. The enrolled bill also sets forth requirements for student attendance, staffing, and funding for the Institution. The Governor's substitute (i) exempts employees of the Board from the Virginia Personnel Act (§ 2.2-2900 et seq.); (ii) specifies that the Board is a policy agency in the executive branch of state government; (iii) gives the board the authority to perform certain acts such as making and executing contracts, disposing of its property, and procuring

insurance; (iv) exempts purchases made by the Board from the Virginia Public Procurement Act (§ 2.2-4300 et seq. of the Code of Virginia), provided that certain conditions are met; (v) specifies that one nonlegislative citizen member of the Board shall be a current or former educator in a nontraditional school; (vi) requires three members of any quorum of the Board to be nonlegislative members; (vii) specifies that a local school board may request to transfer to the Board the supervision and operation of any school that has been accredited with warning for three consecutive years; (viii) requires schools to remain under the supervision of the Board for a minimum of five years and sets out a mechanism for the transition of schools back to the local school division unless the parents of at least 60 percent of the students enrolled at the school petition for the school to remain in the Institution; (ix) gives the Board the authority to contract with one or more individuals, governmental entities, or nonprofit entities to manage the operation of schools supervised by the Board; (x) requires the local school division of residence to transfer to the Board the proportionate share of federal, state, and required and matching local shares of per pupil funding for each student enrolled at a school under the supervision of the Board; (xi) requires the Auditor of Public Accounts to annually audit the accounts of the Board; (xii) permits the Board to require any local school division to provide school support or student support services that are compliant with all laws and regulations governing such services for a school whose supervision is transferred from the local school division, including student transportation, school food service, alternative schools, or student assessment for special education eligibility, provided that the Board reimburses the actual cost to the local school division; and (xiii) requires the Board to pay all utilities in use at Board-utilized facilities.

SB 1331. Moratorium on drones. The enrolled bill places a moratorium on the use of unmanned aircraft systems by state and local law enforcement and regulatory entities until July 1, 2015, except in defined emergency situations and except for certain Virginia National Guard functions. The Governor's substitute clarifies that the use of an unmanned aerial system (drone) for a search and rescue operation (already permitted under the language of the bill as sent to the Governor) is to be permitted when necessary to alleviate an immediate danger to a person or for related training purposes. The Governor's substitute also provides that drones may be used by institutions of higher education and other research organizations or institutions "solely for research and development purposes." Finally, the Governor adds a second enactment clause to require the Department of Criminal Justice Services, in consultation with the Office of the Attorney General and other state agencies, to develop protocols for use of drones by law-enforcement agencies and report its findings to the Governor and the General Assembly on or before November 1, 2013. HB 2012, which is identical as enrolled, has the same Governor's amendments.

SB 1378. Transfer of firearms to persons prohibited from possessing them, etc. The enrolled bill raises penalties for unlawful sales or transfers of firearms. The Governor's amendments add two new prohibited transfers to persons prohibited from possession and transportation of firearms—transfers to legally incompetent or mentally incapacitated persons (purchase, possession, and transportation prohibitions set out in § 18.2-308.1:2 of the Code of Virginia) and transfers to persons involuntarily admitted or ordered to outpatient treatment (purchase, possession, and transportation prohibitions set out in § 18.2-308.1:3). The Governor's amendments also clarify that purchases made by a parent, grandparent, or legal guardian for a person who is prohibited, solely because of his age, from purchasing a firearm is lawful when the firearm is to be used in conformance with § 18.2-308.7.

Section 18.2-308.7 provides that a minor may use a firearm while on the property of his parent, grandparent, or guardian, while at a shooting range or educational class with an adult, or while hunting.

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Governor's Vetoes

HB 1533. Charter; City of Fairfax. The enrolled bill increases the maximum transient occupancy tax that the City of Fairfax may levy from four percent to six percent. The Governor's veto explanation states that "the Conference Report for House Bill 2313 includes an increased transient occupancy tax that would impact Fairfax City. As such, the optional increase in the transient occupancy tax included in House Bill 1533 would be in addition to the increase in House Bill 2313. House Bill 1533 passed prior to the Conference Report for House Bill 2313 was completed, and the members were unable to consider the impacts of these two legislative acts in conjunction with one another. Were both of these taxes to go into place concurrently, the businesses in the Northern Virginia region may face a significant competitive disadvantage to businesses in other nearby localities or states because of an unintended compounding of the taxes. This could have a negative impact on tourism, economic growth, and jobs in this locality." SB 1343, which is identical as enrolled, was also vetoed.

HB 2303. Transient occupancy tax; Arlington County. The enrolled bill reinstates the authority of Arlington County, which expired pursuant to a January 1, 2012, sunset date, to impose an additional transient occupancy tax at a rate not to exceed one-fourth of one percent. The Governor's explanation states that "the Conference Report for House Bill 2313 includes an increased transient occupancy tax that would impact Arlington County. As such, the optional increase in the transient occupancy tax included in House Bill 2303 would be in addition to the increase in House Bill 2313. House Bill 2303 passed prior to the Conference Report for House Bill 2313 was completed, and the members were unable to consider the impacts of these two legislative acts in conjunction with one another. Were both of these taxes to go into place concurrently, the businesses in

the Northern Virginia region may face a significant competitive disadvantage to businesses in other nearby localities or states because of an unintended compounding of the taxes. This could have a negative impact on tourism, economic growth, and jobs in this locality." SB 851, which is identical as enrolled, was also vetoed.

SB 819. Tourist Train Development Authority. The enrolled bill reinstates the Authority and its board, repealed by the General Assembly in 2011. The Governor's explanation states that "[i]n 2000, the General Assembly created the Tourist Train Development Authority and its board to create a tourist train between the County of Tazewell, Town of Pocahontas and Town of Bluefield and to cooperate with localities in West Virginia. There has been no investment to procure a train to make this a reality. During the 2011 Session of the General Assembly, the Tourist Train Development Authority and its board were repealed through HB2520 and SB1471 because there had been no resulting activity from the Board. It is my understanding the interested parties have continued to work toward this activity through private organizations. During my term as Governor we have worked to reduce the size and scope of government – especially when the private sector can achieve the same goals without government action."

SB 851. Transient occupancy tax; Arlington County. The enrolled bill reinstates the authority of Arlington County, which expired pursuant to a January 1, 2012, sunset date, to impose an additional transient occupancy tax at a rate not to exceed one-fourth of one percent. The Governor's explanation states that "the Conference Report for House Bill 2313 includes an increased transient occupancy tax that would impact Arlington County. As such, the optional increase in the transient occupancy tax included in Senate Bill 851 would be in addition to the increase in House Bill 2313. Senate Bill 851 passed prior to the Conference Report for House

Bill 2313 was completed, and the members were unable to consider the impacts of these two legislative acts in conjunction with one another. Were both of these taxes to go into place concurrently, the businesses in the Northern Virginia region may face a significant competitive disadvantage to businesses in other nearby localities or states because of an unintended compounding of the taxes. This could have a negative impact on tourism, economic growth, and jobs in this locality.” HB 2303, which is identical as enrolled, was also vetoed.

SB 1325. Board of Counseling; fees. The enrolled bill requires the Board of Counseling to establish, among other fees, specified fees for the licensure and certification of professional counselors, marriage and family therapists, substance abuse treatment practitioners, substance abuse counselors, substance abuse counseling assistants, and rehabilitation providers and provides that after July 1, 2015, any increase or decrease in the fees of the Board of Counseling shall be governed by the provisions of § 54.1-113 of the Code of Virginia and the Administrative Process Act (§ 2.2-4000 et seq.). The Governor’s veto explanation states that “[s]etting fees for regulatory boards is typically established by regulation through the Virginia Administrative Process Act, which allows for opportunity for input from the regulated community. Virginia Code § 54.1-113, commonly referred to as the Callahan Act, requires the Board of Counseling to increase or decrease fees if its expenses for the past biennium are ten percent greater or less than funds the Board collects. The Board has not submitted a request for a fee increase pursuant to the Callahan Act. The Board of Counseling provides important regulatory oversight to these professional applicants, licensees and certificate holders. Fortunately, the Board of Counseling continues to do so with sufficient funding already available. The Board of Counseling projects a cash balance for Fiscal Year 14 of \$478,033. While the Board projects a decrease in its cash balance in the future, it will still maintain a positive cash balance of

\$124,632 in Fiscal Year 18. Thus, there is sufficient time for the Board of Counseling to seek a fee increase, consistent with the Callahan Act, through the Administrative Process Act. I have asked the Secretary of Health and Human Resources to work with the Executive Director for the Department of Health Professions and the Executive Director of the Board of Counseling to address staffing issues within the current budget to alleviate any delays in providing prompt and efficient responses to applicants. If, after further review and alignment of staffing, fee adjustments are determined to be warranted, the Board of Counseling may consider pursuing fee adjustments to their regulations utilizing the Virginia Administrative Process Act.”

SB 1343. Charter; City of Fairfax. The enrolled bill increases the maximum transient occupancy tax that the City of Fairfax may levy from four percent to six percent. The Governor’s veto explanation states that “the Conference Report for House Bill 2313 includes an increased transient occupancy tax that would impact Fairfax City. As such, the optional increase in the transient occupancy tax included in Senate Bill 1343 would be in addition to the increase in House Bill 2313. Senate Bill 1343 passed prior to the Conference Report for House Bill 2313 was completed, and the members were unable to consider the impacts of these two legislative acts in conjunction with one another. Were both of these taxes to go into place concurrently, the businesses in the Northern Virginia region may face a significant competitive disadvantage to businesses in other nearby localities or states because of an unintended compounding of the taxes. This could have a negative impact on tourism, economic growth, and jobs in this locality.” HB 1533, which is identical as enrolled, was also vetoed.

*Bills Returned by the Governor after Sine Die to
the Regular Reconvened Session (1986-2013)*

YEAR	GOVERNOR	AMENDMENTS	VETOES	UNSIGNED AFTER SINE DIE	TOTAL SENT TO GOVERNOR	PERCENT RETURNED AFTER SINE DIE
1986	Baliles	51	4	55	648	8.5
1987		85	1	86	724	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	1089	7.0
2001		91	7	98	882	11.1
2002	Warner	74	1	75	899	8.3
2003		87	4	91	1046	8.7
2004		60	2	62	1035	6.0
2005		45	1	46	949	4.8
2006	Kaine	123	7	130	958	13.6
2007		106	10	116	958	12.1
2008		36	1	37	889	4.2
2009		101	12	113	886	12.8
2010	McDonnell	102	0	102	871	11.7
2011		132	5	137	892	15.4
2012		113	7	120	855	14.0
2013*		85	6	91	812	11.2

* Five bills were returned and approved with Governor's amendments during the 2013 Regular Session.

Sources: House and Senate Journals and Acts of Assembly.

Governor's Amendments and Vetoes
2013 General Assembly Session

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Published in Richmond, Virginia
by the Division of Legislative Services, an agency of the
General Assembly of Virginia.

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