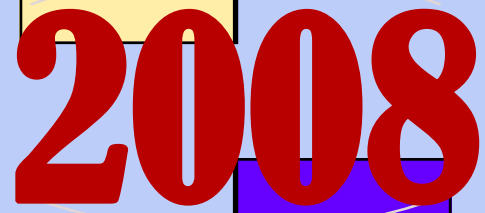


Governor's Amendments and Vetoes



2008

2008 GENERAL ASSEMBLY SESSION

Governor's Amendments

HB 12. Payday Lending. The enrolled bill provides, among other things, that when a fifth payday loan is made to a person within a period of 180 days, the fifth loan will either be followed by a 45-day lockout period or be made as an extended term loan. The Governor's amendment provides that the borrower has the option to determine which option will apply. Other amendments are technical. See SB 588 that is identical.

HB 499. Involuntary commitment; outpatient treatment; etc. Technical amendments. See SB 246 that is identical, which also includes an additional technical amendment to the title.

HB 516. Common Interest Communities. The Governor's amendments (i) extend the date that a license is required in order to provide management services to common interest communities from October 1, 2008, to January 1, 2009, and (ii) specify that a condominium resale certificate must be delivered within 14 days of the request from a seller. See SB 301 that is identical.

HB 538. Commercial dog breeding operations; penalty. The Governor's amendments move the enactment date up from July 1, 2009, to January 1, 2009, and strike the requirement that the provisions of the bill will become effective only upon a sufficient allocation of funds in the 2008 Appropriations Act.

The Governor vetoed 5 bills and recommended amendments to 82 others, including the Budget Bill, passed by the 2008 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 23rd. Amendments are arranged in numerical order by bill number, highlighting the major impact of the Governor's recommendations. Not included are 4 vetoed bills and 46 bills returned with amendments and acted upon by the members during the 2008 Regular Session. We hope you will find the information useful.

— E. M. Miller, Director DLS

VIRGINIA DIVISION OF LEGISLATIVE SERVICES

HB 546. Multiline telephone systems. Technical amendment.

HB 709. Purchase of firearms; consent form; mental health questions. The Governor's amendments make clarifying changes to the questions on the state background check consent form that an applicant to purchase a firearm must answer in order to be consistent with other language contained in the enrolled bill as well as § 18.2-308.1:2. See SB 226 that is identical.

HB 721. Approval of plats, site plans, and plans of development in certain localities. Technical amendment.

HB 766. Fraudulent academic credentials; penalty. Technical amendment.

HB 819. Continuing care retirement communities; medical assistance. Technical amendment.

HB 931. Methamphetamine manufacturing, distributing, etc. The Governor's amendment removes the provision that there must be an appropriation of general funds sufficient to accomplish the purposes of the bill in order for the bill to become effective. See SB 562 that is identical.

HB 1135. Expression of religious viewpoints in the public schools. Technical amendments.

HB 1331. Revision of Title 3.1; Department of Agriculture and Consumer Services; commodity-related boards; protection of food supplies; domestic animals. Technical amendments.

HB 1407. Restricted licenses when suspended for nonpayment of fines, etc. The Governor's amendment provides that the person must petition and receive authorization from each court that suspended his license in order to be eligible for a restricted license.

HB 1442. Ignition interlock required for violation of restricted license. The Governor's amendment removes the provision that would require a judge to order an ignition interlock upon violation of a provision of a restricted license when the restricted license was issued for a conviction of driving while intoxicated.

HB 1487. Home Ownership Protection. Technical amendment.

HB 1551. Vehicle weights; overload and overweight vehicle fees. Technical amendment.

SB 7. Elections; absentee voting. The Governor's amendments correct a citation in the title and eliminate conflicts in the language with earlier enacted legislation.

SB 62. Voter registration applications.

The enrolled bill provides for a receipt to be given to the person completing a voter registration application. The Governor's amendments provide that a receipt is not needed when the application is mailed directly to or completed in the general registrar's office and that the present supply of applications may be exhausted before the new requirement is implemented.

SB 116. DMV service charges; validity period of driver's licenses.

The enrolled bill imposes an additional service charge of \$5 for any registration renewal carried out in any of its customer service centers if the transaction is one that can be conducted by mail, telephone, or electronic means. The bill also offers a \$1 per year discount for each year of a multiyear registration and provides for a validity period of up to eight years for a driver's license. The Governor's amendment would provide that driver's licenses issued to persons required to register as sex offenders would be valid for no more than five years.

SB 145. Natural gas utilities; recovery of capital costs. Technical amendment.

SB 171. Adoption by former spouses. The Governor's amendment clarifies that a child cannot have more than two parents that have legal rights and obligations with respect to the child.

SB 226. Purchase of firearms; consent form; mental health questions. See HB 709 that is identical.

SB 246. Involuntary commitment; outpatient treatment; etc. See HB 499 that is identical.

SB 301. Common Interest Communities. See HB 516 that is identical.

SB 314. Veterans Services Foundation. The Governor's amendments change the terms of the foundation members from three to four years.

SB 320. Covenants restricting solar energy collection devices. The enrolled bill provides that a community association will not prohibit an owner from installing or using any solar energy collection on the owner's property, but it may establish reasonable restrictions concerning the size, place, and manner of placement of the solar energy collection devices. The Governor's amendment deletes language that states the measure does not apply to any provision of a restrictive covenant that restricts the installation or use of any solar collection device if the provision became effective prior to July 1, 2008.

SB 464. Virginia Commission on Energy and Environment. The enrolled bill establishes the Virginia Commission on Energy and Environment for the purposes of reviewing and recommending steps to implement the Virginia Energy Plan. The Governor's amendments expand the purpose of the Commission to include (i) examining ways to increase energy independence, (ii) expanding consumer energy education to overcome barriers to implementing energy efficiency and conservation actions, (iii) reducing greenhouse gas emissions, and (iv) capitalizing on economic development opportunities related to alternate transportation fuels, nuclear technology, coastal energy production, and carbon capture and storage. Another amendment authorizes the Commission to evaluate the impact of market-based greenhouse gas reduction measures on global climate change. The third substantive amendment directs the Commission to work with the Department of Environmental Quality to establish a voluntary greenhouse gas reporting system that where appropriate and to the maximum extent feasible will incorporate standards and protocols developed by other widely recognized and verified greenhouse gas inventory programs. As part of the greenhouse gas reporting provisions, the Department of Environmental Quality is directed to

(i) request that the Virginia Department of Transportation annually provide information to maintain a greenhouse gas emissions inventory for roads throughout the Commonwealth and (ii) provide an annual analysis of the information gathered through the greenhouse gas reporting system. The other amendments are technical.

SB 472. Licensure of group homes and residential facilities for children. The Governor's amendment clarifies that the Department of Juvenile Justice would only be required to perform background checks on employees and volunteers that would be alone with children at a children's residential facility or group home.

SB 562. Methamphetamine manufacturing, distributing, etc. See HB 931 that is identical.

SB 584. Alcoholic beverage control; prohibits certain acts by licensees. The Governor's amendment clarifies that the \$1,000 monthly food sale requirement for a gourmet shop licensee must be in products such as cheeses and gourmet food and not that the licensee must sell \$1,000 worth of cheese.

SB 588. Payday lending. See HB 12 that is identical.

SB 590. Offenses requiring registration in the Sex Offenders and Crimes Against Minors Registry. Two of the Governor's amendments remove possible points of confusion resulting from the inclusion of certain crimes in more than one category of registerable offenses. Variations of the offense of carnal knowledge of a child and of the offense of abduction are set forth in more than one place in the registry Code section and have different registration requirements. The Governor's amendments seek to insure that there is no confusion or overlap. Two additional amendments are technical and are made so that the bill comports logically with another measure passed and signed before the end of the legislative session.

SB 596. Commission on Electric Utility Restructuring. The enrolled bill (i) continues the Commission on Electric Utility Restructuring as the Commission on Electric Utility Regulation, (ii) extends the Commission's scheduled expiration from July 1, 2008, until July 1, 2010, (iii) renames the Electric Utility Restructuring Act as the Electric Utility Regulation Act, and (iv) revises provisions of the Act to address provisions of the 2007 legislation that curtailed many aspects of the scheduled deregulation of electric generation service. The Governor's amendments revise the portion of the 2007 re-regulation

legislation that directed the State Corporation Commission to complete by December 15, 2007, a proceeding to develop a plan to identify and implement programs in order to achieve by 2022 a stated goal of reducing the consumption of electric energy by retail customers by 10% of the amount consumed by customers in 2006. The Governor's amendments provide that the Commonwealth will have a stated goal of reducing by 2023 the 2008-2023 growth rate by 40% of (i) the summer peak load measured in megawatts and (ii) the annual net energy measured in gigawatt hours in the Virginia portion of each investor-owned public utility's PJM geographic zone, as reported in the January, 2008, PJM Peak Load Forecast Report.

SB 772. Conditions of bond upon arrest for a felony. The Governor's amendment makes clear that when a constitutional officer is accused of a felony, the court may, as a condition of bond, prohibit him from physically returning to his constitutional office. Language in the bill as it passed the General Assembly did not limit the prohibition to a physical prohibition. The Governor also includes a new provision to allow the court to suspend the officer from his position and appoint a suitable person in his stead pending the outcome of the trial.

SB 797. Forbearance period on high-risk mortgage loans. The enrolled bill requires lenders or servicers of high-risk mortgage loans to provide written notice of the intention to send a notice to accelerate the loan balance 10 days prior to sending the notice of acceleration and, if the borrower indicates the desire to avoid foreclosure, to give the borrower 30 calendar days' forbearance. A high-risk mortgage loan includes one with an annual percentage rate that exceeds the yield on U.S. Treasury securities having comparable periods of maturity by five percentage points or more. The Governor's amendment provides that the applicable yield will be the yield in effect on the date the loan was originated, and if no yield was in effect for the applicable maturity on that date, the yield for the next closest maturity will be used. Other amendments clarify that if the loan's maturity is exactly halfway between security maturities, the maturity having a lower yield will be used.

Governor's Veto

HB 649. Collection of annual license and registration fees in certain localities; civil remedial fees on certain drivers. The enrolled bill prohibits licensed motor vehicle dealers from collecting any additional license and registration fees imposed by the Hampton Roads Transportation Authority and/or the Northern Virginia Transportation Authority.

The Governor's explanation states that between passage by the General Assembly and his consideration of the bill, the Supreme Court of Virginia ruled that the taxes and fees contained in the bill are not constitutional. Had the fees remained in place, the Governor was concerned that the collection methods prescribed by the bill would have been overly burdensome to the taxpaying public.

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***Bills Returned by the Governor to
the Regular Reconvened Session (1986-2008)***

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
2008*		36	1	37	848	4.4

* 46 bills also were returned with amendments and 4 bills were vetoed during the 2008 Session.

Totals include HB 30, but not line item vetoes of Budget Bills.

Sources: House and Senate Journals and Acts of Assembly.

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