

Governor's Amendments and Vetoes

2009

2009 GENERAL ASSEMBLY SESSION

Governor's Amendments

HB 1580. Abolition of Hampton Roads Transportation Authority. In addition to technical amendments, the Governor's amendments provide that the tax revenues generated pursuant § 58.1-3221.2 of the Code (classification of certain energy-efficient buildings for tax purposes) may be used for transportation safety improvements if the city or county imposing the tax is embraced by the Northern Virginia Transportation Authority.

HB 1680. Vested rights; Act of God. The Governor's amendment clarifies that owners of property damaged by an accidental fire have the same vested rights in their property as those whose property was damaged by an act of God, as provided for in this legislation.

HB 1687. Vehicle sales subject to conditional financing. The enrolled bill spells out rights of dealers and buyers when purchases of vehicles

are conditional upon financing of the transaction by an independent source. The Governor's amendments add specific language to be disclosed to the customer of a used motor vehicle when purchasing from a dealer and that dealer is responsible for arranging financing. The language indicates that the transaction is contingent upon the dealer placing the contract with a financing source, provisions of either the dealer or buyer canceling the contract if financing is not available, and the rights of the dealer to re-claim the vehicle. Additionally, the amendments specifically address the issue of dealer repossession of the vehicle by stating that the vehicle is to be repossessed without regard to Title 8.9A (secured transactions in the Uniform Commercial Code).

HB 1709. Payday lenders; unsecured loans prohibited. The Governor's amendment adds an emergency clause. See SB 1470 that is identical.

HB 1782. Public school standardized driver education programs. The enrolled bill requires

The Governor vetoed 12 bills and recommended amendments to 107 others, including the Budget Bill, passed by the 2009 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 8th. Amendments are arranged in numerical order by bill number, highlighting the major impact of the Governor's recommendations. Not included are 6 bills returned with amendments and acted upon by the members during the 2009 Regular Session. We hope you will find the information useful.

— E. M. Miller, Director DLS

VIRGINIA DIVISION OF LEGISLATIVE SERVICES

that public school standardized driver education programs in Planning District 8, for any student completing a driver education program on or after January 1, 2010, include an additional minimum 90-minute parent/student driver education component, as part of the in-classroom portion of the driver education curriculum, requiring the participation of the student's parent or guardian and emphasizing parental responsibilities regarding juvenile driver behavior, juvenile driving restrictions pursuant to the Code of Virginia, and the dangers of driving while intoxicated and underage consumption of alcohol. The Governor's amendment substitutes "beginning in academic year 2010-2011" for "on or after January 1, 2010."

HB 1788. Alternative on-site sewage systems. The Governor's amendments alter the effective date of provisions related to the local regulation of alternative on-site sewage systems by tying such date to the final promulgation of certain regulations by the Board of Health. See SB 1276 that is identical.

HB 1830. Setoff of federal income tax refunds by localities. The Governor's amendment provides that local government claims to offset a person's federal income tax refund would be limited to claims for delinquent local taxes. The amendment conforms HB 1830 to SB 1292, which has been signed by the Governor.

HB 1878. Various election law revisions. The Governor's amendments apply to those persons who are entitled to provide a post office box, rather than residence address, for public voter registration lists. The amendments provide that in lieu of providing a post office box, such a person may execute a statement, subject to felony penalties, that he is indigent and unable to afford a post office box. A final

amendment provides that supplies of applications printed prior to July 1, 2009, may be used after that date until exhausted. See SB 848 and SB 1188 that are identical.

HB 1885. Telephone regulatory alternatives; determination of competitiveness. The enrolled bill requires the State Corporation Commission, when determining whether the telephone services provided by a telephone company are competitive, to consider all wireless communications providers that offer voice communications services as being facilities-based competitors of the telephone company. The Governor's amendment provides that, in making its determination, the Commission shall not exclude as a competitor any affiliate of the telephone company.

HB 1889. Unemployment benefits. The Governor's amendments expand the criteria for a state "on" indicator, during which unemployed individuals are eligible for 13 weeks of extended benefits, to include weeks when the unemployment rate equaled or exceeded 6.5% and was more than 110 percent of the average for either or both of the corresponding three-month periods ending in the two preceding calendar years. Such weeks are required to fall between February 1, 2009, and the week ending three weeks prior to the last week for which federal sharing is authorized by § 2005(a) of the federal American Recovery and Reinvestment Act of 2009.

HB 1899. Jury commissioners; date of appointment. Technical amendment.

HB 1919. Payment of costs associated with prisoner keep. The enrolled bill increases from \$1 to \$5 the amount that a sheriff or jail superintendent may charge an inmate per day to defray the costs of the prisoner's keep. The Governor's amendment reduces the amount to

\$3 per day, and clarifies that any amount paid shall be refunded to a person jailed for an offense who is later acquitted for the offense. See SB 1199 that is identical.

HB 1941. Patent and copyright policies; requires Secretaries of Administration and Technology to establish. Technical amendments.

HB 1945. Regional alternative education programs. The enrolled bill provides that based on available space, a school division may assign a student to a regional alternative education program and a parent may request, with the consent of the division superintendent, that his child be assigned to a regional alternative education program. The Governor's amendment is technical in nature, clarifying that it is the local school board's regulations that govern the procedure for such placement, not state regulations.

HB 1946. Statewide case and financial management systems. The Governor's amendment in the nature of a substitute removes a definition of "interface" from the bill and removes a section (§ 17.2-293) from the bill the only change in which was a phrase requiring that the case-management system comply with § 17.1-502. The Governor's amendment also added a requirement that a circuit court request an interface with the Supreme Court system and added a requirement that such circuit court and its vendor comply with the security and data standards established by the Executive Secretary. There are also some technical and linguistic amendments. See SB 1442 that is identical.

HB 1970. Gas distribution systems. The Governor's amendments require that a municipal corporation providing gas service to

residential or commercial customers located within an area where a natural gas utility holds a certificate to provide service must have the certificate holder's authorization. Such authorization shall not be unreasonably withheld. The requirement does not apply to (i) any fully constructed and operational municipally-owned gas service system in place as of the effective date of this act, (ii) industrial parks located within the corporate limits of a city whose 2000 population is greater than 45,000 but less than 50,000, or (iii) any facility consisting of an industrial park owned or developed prior to the enactment of this legislation by a Regional Industrial Facility Authority, the members of which are such city and a contiguous county.

HB 2008. Electric personal assistive mobility devices, electrically powered toy vehicles, bicycles, electric power-assisted bicycles, and mopeds. The Governor's amendment moves the language in the enrolled bill that applies to bicycle and pedestrian facilities separated from the roadway by a barrier from a second enactment to the text of the Code section itself.

HB 2024. Health insurance. The Governor's amendments provide that employees of small employers whose group health insurance coverage does not provide for continuation of coverage under federal COBRA, and who are involuntarily terminated during the period beginning September 1, 2008, and ending December 31, 2009, or during any period for which premium assistance is specified by the American Recovery and Reinvestment Act, as later amended, shall be offered the option to continue their existing group health insurance coverage. This provision will take effect upon enactment. Other amendments delete the provision of the enrolled bill that limited the

availability of health insurance policies without all required state mandates to individuals who have been uninsured for six months, and require applications and enrollment forms for such policies to prominently disclose any state-mandated health benefits that are not provided by the policy.

HB 2037. Collection of debt owed the Commonwealth. The Governor's amendment clarifies that collection actions by the Department of Taxation for taxes owed to the Commonwealth are not affected by the legislation.

HB 2056. Advanced shipbuilding training facility grant program. The enrolled bill provides grants to shipbuilders that perform certain shipbuilding activities and that meet certain levels of investment, job creation, and other criteria by June 30, 2012. The Governor's amendments change such time frame to the period from January 1, 2009, through December 31, 2011, and make technical changes. Senate Bill 1321 is the companion bill. If the Governor's amendments to HB 2056 and SB 1321 are agreed to, the bills will be identical.

HB 2096. Waiver of certain fees; affordable housing. The Governor's amendment adds "renovation or rehabilitation" to provisions that would allow a locality to waive certain fees for organizations that assist with the provision of affordable housing.

HB 2098. Real property tax; special land use assessment. The enrolled bill provides that in determining whether real property qualifies for special land use assessment (i.e. agricultural, horticultural, forest, or open-space use) zoning designations and special use permits for the real property shall not be considered. The Governor's amendments provide that zoning

designations and special use permits shall not be the sole considerations in such determination

HB 2099. George Washington Toll Road Authority. The Governor's amendment eliminates the Authority's eminent domain powers.

HB 2112. Financial literacy education. The enrolled bill provides that local school boards must establish educational objectives in financial literacy for grades K through 12. The Governor's amendment changes this requirement to apply only to middle and high schools.

HB 2150. Notice of certain sales under deed of trust. Technical amendment.

HB 2155. Electric utility service; net energy metering. Technical amendment.

HB 2159. Adoption of a child; amends statutes governing. The Governor's amendment removes a citation to a Code section that permits juvenile and domestic relations district courts to retain jurisdiction, in certain instances, for persons under 21 years of age. The citation to the Code section removed by the amendment does not expand or contract any rights regarding the placement of a child by a parent or guardian. The relevant Code citation to cross-jurisdictional authority and cooperation is already contained in the section of the amendment. The second amendment is technical in nature.

HB 2169. Board of Towing and Recovery Operators. Technical amendment.

HB 2172. Renewable energy sources; location of distribution facilities. The Governor's amendments delete provisions that authorize the location of lines and similar distribution facilities of renewable energy sources within public parks.

HB 2175. Small renewable energy projects; permitting process. The Governor's amendments establish a special, nonreverting fund in the state treasury, into which fees collected from owners and operators of small renewable energy projects shall be paid. See SB 1347 that is identical.

HB 2197. Assistance for certain voters; language other than English. Technical amendment.

HB 2201. Innovation and Entrepreneurship Investment Authority. The enrolled bill provides an exemption from the mandatory disclosure provisions of FOIA for certain grant application records and an exemption from the open meeting provisions of FOIA for discussions pertaining to those records. The Governor's amendments add loan application documents to the exemptions.

HB 2258. Organ and tissue donation; funeral homes receiving body following donation, immune from liability. The enrolled bill provides that a funeral service establishment, funeral service licensee, crematory, or registered crematory that receives a body following routine donation of organs, tissues, or eyes, and provides embalming, cremation, or other funeral services, shall be immune from civil liability for any act, decision, or omission related to the handling, processing, or presentation of the decedent including any failure to restore the decedent's form or features in a manner acceptable for viewing prior to the disposition of the remains, unless such act, decision or omission resulted from bad faith or malicious intent. The Governor's amendments clarify that this immunity applies to the named funeral services providers who accept a body after any donation of organs, tissues or eyes, but only for any failure to restore the decedent's features in an acceptable manner.

HB 2285. Auditor of Public Accounts; duties, standard vendor accounting information to include certain information. The Governor's amendment in the nature of a substitute conforms HB 2285 to SB 936.

HB 2300. Department of Mental Health, Mental Retardation & Substance Abuse Services; name change. The enrolled bill changes the name of the Department, Board, Inspector General, and Commissioner of Mental Health, Mental Retardation and Substance Abuse Services to the Department, Board, Inspector General, and Commissioner of Behavioral Health and Developmental Services. The Governor's amendments are to ensure (i) that existing departmental regulations shall continue in effect, and (ii) that the renamed entities are successors in interest to the existing entities. The final enactment clause included in the amendments does contain technical errors. See SB 1117 that is identical.

HB 2311. Courthouses; localities to assess fee as part of costs in each criminal or traffic case. The enrolled bill allows localities that, on or after January 1, 2009, operated a courthouse that is not in compliance with the safety and security guidelines contained in the Virginia Courthouse Facility Guidelines, and that cannot be feasibly renovated to correct such non-compliance, to assess a fee not to exceed three dollars to be used solely for the construction of a courthouse. The Governor's amendments expand the uses for which the fee can be applied to include the reconstruction, renovation, or adaptive re-use of a courthouse. The Governor's amendment also changes the relevant date used for determining the non-compliance from January 1, 2009, to January 1, 2008. See SB 1387 that is identical.

HB 2366. Charter; Town of Strasburg. The Governor's amendments clarify that certain acts

of a local governing body can only be voted upon by elected members of the governing body.

HB 2371. Electric utilities; pilot programs for renewable energy generators. The Governor's amendments delete the requirement that participating utilities include on customers' bills a statement of the amount of charges that result from the utility's implementation of this Act. Other amendments are technical.

HB 2400. Criminal sexual assault; establishment of a multidisciplinary response. Technical amendments.

HB 2417. Covenants regarding solar power. The Governor's amendment deletes language clarifying that the prohibition on restrictive covenants does not apply to covenants that were effective prior to July 1, 2008.

HB 2423. Broadband Advisory Council; established. The Governor's recommendation adds an emergency clause.

HB 2426. Government Data Collection and Dissemination Practices Act. The Governor's amendments are technical and declarative of current federal law. See SB 1318 that is identical.

HB 2432. Regulation of lead-based paint renovation, repair, and painting. The Governor's amendments add to the Board for Asbestos, Lead, and Home Inspectors a member who is either a licensed mold inspector or a licensed mold remediator.

HB 2433. Eastern Virginia Medical School. The enrolled bill alters the manner in which the Board of Visitors of the Eastern Virginia Medical School is appointed and provides for appointments to the Board by the Governor, Speaker of the House of Delegates, and the

Senate Committee on Rules on a rotating basis. The Governor's amendments provide for one appointment each by the local governing bodies of the Cities of Norfolk and Virginia Beach, and for appointments on a rotating basis by the local governing bodies of the Cities of Chesapeake, Hampton, Portsmouth, Suffolk, and Newport News. Effective on June 30, 2009, as terms of members previously appointed by the local governing bodies expire, the vacancies will be filled on a rotating basis by the Governor and the Senate Rules Committee in 2009 and by the Speaker of the House of Delegates in 2010. Thereafter, appointments will be made by the initial appointing authority, and vacancies that occur before the completion of a term will be filled by the appropriate appointing authority for the remainder of the term only. See SB 1249 that is identical.

HB 2437. Income tax, corporate; apportionment for manufacturers. The Governor's amendment provides that if any portion of the section dealing with the number of manufacturing jobs is found to be invalid or unconstitutional by a court of competent jurisdiction, that provision is not deemed severable from the rest of the legislation resulting in all of the bill's language being invalid and void.

HB 2465. Petitions for removal of public officers. The enrolled bill prohibits the court from assessing costs or imposing sanctions on persons signing or circulating petitions for the removal of public officials. The Governor's amendments (i) delete the bill's prohibition on imposing sanctions under § 8.01-271.1 and (ii) provide that the court may assess costs, including attorney fees, if it finds by clear and convincing evidence that the petitioner acted maliciously to harm the officer. See SB 1394 that is identical.

HB 2479. Real property tax; reduces rate of the special tax on commercial property in Northern Virginia. Technical amendment that clarifies the sunset provision.

HB 2491. Charter; City of Galax. The Governor's amendment extends the terms of the members of the School Board in office at the time of the adoption of changes in the charter by six months.

HB 2506. Energy efficiency programs. The Governor's amendments delete the requirement that the Office of the Attorney General, in consultation with the State Corporation Commission, prepare annual reports that quantify the effects upon the rates for electric service of the implementation of the provisions of the act, and identify, and recommend appropriate corrective legislation to address issues pertaining to the implementation of the provisions of the act. The enrolled bill requires that the SCC take into consideration the goal of economic development in proceedings under § 56-585.1; other amendments add the goals of energy efficiency and environmental protection to what the SCC shall take into consideration.

HB 2517. Standards of Learning; option of industry certification, etc. The enrolled bill directs the Board of Education in prescribing Standards of Learning assessments to also provide the option of industry certification and state licensure examinations in lieu of administering tests to assess the progress of students. The Governor's amendment is technical in nature, clarifying that the Board of Education shall select appropriate industry certification and licensure examinations.

HB 2539. Virginia Information Technologies Agency; Division of Enterprise Applications. The Governor's amendment adds an emergency clause.

HB 2549. Virginia College Savings Plan. The Governor's amendments clarify that citizens appointed to the board of the Virginia College Savings Plan are to be nonlegislative and remove the requirements that nonlegislative citizen members appointed by the Speaker or the Senate Committee on Rules must be in accordance with the Rules of the House or Senate, respectively. There is also a technical amendment.

HB 2596. Washington Metropolitan Area Transit Authority Compact. The Governor's amendments conform HB 2596 to SB 1511 that has already been enacted as Chapter 771 of the 2009 Acts of Assembly. The changes relate to an increase in the number of directors on the Board of the Authority including two federal government appointees and to the requirement that certain payments made to WMATA to match federal funds must be made from a dedicated funding source.

HB 2646. Betterment loans; eligibility to repair or replace failing onsite sewage systems. The Governor's amendments authorize governmental bodies to serve as conduit lenders of betterment loans and defines a "conduit lender."

HB 2672. Department of Minority Business Enterprise. The Governor's amendment in the nature of a substitute changes the name of the agency to the Department of Supplier Diversity and Procurement Advocacy and moves the Department from the Commerce and Trade Secretariat to the Administration Secretariat.

SB 848. Various election law revisions. See HB 1878 and SB 1188 that are identical.

SB 855. Uniform Power of Attorney Act; created. Technical amendment.

SB 883. Charter; Town of Warsaw. The

enrolled bill amends the charter for the Town of Warsaw to allow the eight town council members to have staggered terms. The Governor's amendment deletes language deemed unnecessary.

SB 941. Staff Sergeant Jason R. Arnette Memorial Bridge. Technical amendments.

SB 944. Retail sales and use tax exemptions. The Governor's amendment creates a sales and use tax exemption beginning July 1, 2010, and ending June 30, 2020, for computer equipment purchased or leased for the processing, storage, retrieval, or communication of data and used in a data center that (i) is located in Virginia, (ii) results in a new capital investment of at least \$150 million, and (iii) results in the creation of at least 50 new jobs associated with the operation or maintenance of the data center.

SB 949. Donor Registry and Public Awareness Fund; changes name of Transplant Council Education Fund. The original bill changes the name of the Virginia Transplant Council Education Fund to the Virginia Donor Registry and Public Awareness Fund, and requires the Department of Motor Vehicles to establish a procedure for driver's license applicants to voluntarily contribute to the Fund. The Governor's recommended amendment requires the Department of Motor Vehicles to inform applicants conducting transactions using electronic means of the existence of the Fund and that contributing to the Fund is voluntary, and provide a means by which applicants using electronic means may make a voluntary contribution to the Fund.

SB 974. Golf carts; crossing highways in Colonial Beach. The Governor's amendment changes the enrolled bill to eliminate a conflict with HB 1905 on the same subject.

SB 1018. Abolition of Hampton Roads Transportation Authority. In addition to technical amendments, the Governor's amendment provides that the tax revenues generated pursuant § 58.1-3221.2 of the Code (Classification of certain energy-efficient buildings for tax purposes) may be used for transportation safety improvements as determined by such city or county embraced by the Northern Virginia Transportation Authority.

SB 1021. Sales and use tax; entitlement to certain revenues to pay bonds for a minor league baseball stadium. One of the Governor's amendments is technical and the other clarifies that the sales tax revenues include those generated by transactions in any attachments to the baseball stadium in addition to the stadium itself.

SB 1032. Medication aide training programs; requirements. The original bill sets forth requirements for Board of Nursing approved education and training programs for medication aides, delayed enforcement of the requirement for medication aides to be registered until August 1, 2009, and allows medication aides to administer drugs that would normally be self-administered in assisted living facilities until that date. The original bill contained an emergency clause and was effective retroactively to January 1, 2009. The Governor's amendments make this bill retroactive to December 31, 2008.

SB 1046. REAL ID Act, federal; amends provisions for obtaining driver's license. The Governor's recommendations further detail implementation of the federal REAL ID Act by requiring that the Department of Motor Vehicles, effective January 1, 2010, issue licenses, permits, and identification cards that comply with the minimum standards of the

REAL ID Act in effect as of January 1, 2009. The recommendations also provide that the Commissioner may waive the requirement that every applicant for a license, permit, or special identification card apply in person for such issuance, renewal, or reissuance if: (i) the records of the Department show that the applicant has previously complied with the requirements; (ii) the applicant for a renewal, reissuance or duplicate was born on or before December 1, 1964, and applies prior to December 1, 2014, provided the applicant is eligible to apply otherwise than in person and that such a waiver is permitted under the REAL ID Act; or (iii) the application is for a motorcycle learner's permit, commercial driver's instruction permit, or special identification card issued to a minor under age 15. The bill still provides that the Department shall establish a process for persons who are unable to provide all necessary documents required for licenses, permits, and special identification cards and must rely on alternate documents to establish identity, date of birth, etc., and that effective January 1, 2010, alternative documents to demonstrate lawful status in the United States will only be allowed to demonstrate US citizenship. The bill also still prohibits the Department from issuing licenses, permits and cards that incorporate radio-frequency identification tags or other similar technology.

SB 1070. Absentee voting. The enrolled bill allows firefighters and other first responders to vote absentee. The Governor's substitute provides for "no-excuse" absentee voting by persons voting absentee in person.

SB 1083. Mental health law; amends statutes to address issues resulting from overhaul of laws. The original bill amends mental health statutes to address issues resulting from the overhaul of mental health laws during the 2008

Session. The Governor's amendment is a technical amendment to make terminology consistent throughout the bill.

SB 1116. Health insurance; mandated coverage for prosthetic devices. The Governor's amendment deletes a provision that coinsurance payments shall be applied to any deductible under the health insurance policy.

SB 1117. Department of Mental Health, Mental Retardation & Substance Abuse Services; name change. See HB 2300 that is identical.

SB 1174. Patent and copyright policies of the Commonwealth. Technical amendments.

SB 1188. Various election law revisions. See HB 1878 and SB 848 that are identical.

SB 1199. Payment of costs associated with prisoner keep. See HB 1919 that is identical.

SB 1200. Local vehicle license fees and taxes; disabled veterans and their surviving spouses. The Governor's amendments eliminate conflicts between this bill and HB 2182, which made substantially the same changes to existing law, but did it in a different way.

SB 1248. Energy efficiency programs. The Governor's amendments establish a stated goal of reducing the consumption of electric energy by retail customers within the Commonwealth, through energy conservation and efficiency actions taken by government, electric utilities, and retail customers, by 2025 to a level that is 19% less than the quantity of electricity that would reasonably be projected to be consumed in the Commonwealth in 2025 in the absence of such actions. The 19% reduction goal is apportioned among improvements in the Uniform Statewide Building Code appliance efficiency standards, improvements in the

industrial sector, the performance of publicly owned buildings, and combined heat and power, and electric utility energy efficiency programs designed to reduce consumption by Virginia customers. Reductions in energy consumption achieved through energy efficiency programs, and progress in achieving the consumption reduction goal, are required to be reported annually by investor-owned electric utilities. Other amendments (i) delete the requirement that the State Corporation Commission approve the installation and operation of advanced metering technology and equipment on a customer's premises; (ii) provide that nothing in Chapter 23 of Title 56 establishes a requirement that an energy efficiency program be implemented on a customer's premises and be connected to a customer's wiring on the customer's side of the interconnection without the customer's express consent; and (iii) conform the provision exempting large customers from paying costs of energy efficiency programs to the provisions in enrolled HB 2506 with the Governor's amendment. Other changes are technical.

SB 1249. Eastern Virginia Medical School. See HB 2433 that is identical.

SB 1251. Virginia College Savings Plan. See HB 2549 that is identical.

SB 1276. Alternative on-site sewage systems. See HB1788 that is identical.

SB 1302. Master Settlement Agreement; makes changes to enhance criminal enforcement activities. The Governor's amendment removes the requirement that a statement regarding delivery sales, etc., of cigarettes be "materially false" in order to be punishable under § 18.2-498.3 (business fraud) and substitutes "false" for "materially false." The Governor also removed the provision that

an "endeavor" to commit a racketeering offense is criminally punishable.

SB 1307. Private prisoner transport. Technical amendments.

SB 1318. Government Data Collection and Dissemination Practices Act. See HB 2426 that is identical.

SB 1321. Advanced shipbuilding training grant program. The enrolled bill provides grants to shipbuilders that perform certain shipbuilding activities and that meet certain levels of investment, job creation, and other criteria by June 30, 2012. The Governor's amendments change such time frame to the period from January 1, 2009 through December 31, 2011, and make technical changes. HB 2056 is the companion bill. If the Governor's amendments to SB 1321 and HB 2056 are agreed to, the bills will be identical.

SB 1325. Neighborhood Assistance Act Tax Credit. The Governor's amendment eliminates an additional appropriation of \$100,000 from the general fund to the Department of Education for funding of the Department's estimated costs of administering tax credits under the bill.

SB 1336. Broadband Advisory Council; established, report. The Governor's recommendation adds an emergency clause.

SB 1338. Promotion of science and technology-based research, development, and commercialization in the Commonwealth. The Governor's recommendation adds robotics and unmanned vehicle systems and advanced shipbuilding to the list of qualified research and technologies eligible for awards from the Commonwealth Technology Research Fund (CTRF), which was renamed the Commonwealth Research Commercialization Fund (CRCF) in the bill. The addition of these

research areas was passed by the General Assembly and signed by the Governor in HB 2415 and recommended as an amendment to SB 1338 to ensure the addition is incorporated in the renamed CRCF.

SB 1339. Electric utility regulation. The Governor's amendments delete the clause that provides that the act becomes effective only if reenacted by the 2010 Session. The Governor's amendments also require the State Corporation Commission to adopt regulations that require all public utilities providing electric service in the Commonwealth to offer real-time rates; the enrolled bill limited the requirement to investor-owned utilities. Amendments also conform the enrolled bill's amendments to the net energy metering provisions to those in the enrolled version of HB 2155, which authorize utilities to elect a capacity limit for participation by nonresidential customers in the net energy metering program that exceeds the existing limit of 500 kW, provide that that a participating customer-generator owns any renewable energy certificate associated with its generation of electricity, give the customer-generator a one-time option to sell the certificates to its supplier at a rate established by the State Corporation Commission, and provide that the utility's costs of acquiring the certificates shall be recoverable under the Renewable Energy Portfolio Standard rate adjustment clause or through the supplier's fuel adjustment clause. Other changes are technical.

SB 1347. Small renewable energy projects; permitting process. See HB 2175 that is identical.

SB 1348. Demand-side management, energy conservation, energy efficiency, and demand reduction. The Governor's amendments conform the bill to the enrolled version of HB 2531 by substituting "demand

response program" for "demand-side management program," and "curtailment service provider" for "demand-side management program provider," in section 3 of the second enactment.

SB 1361. State park funds; transfers all moneys in Concessions Fund to Conservation Fund. Technical Amendments.

SB 1387. Courthouses; localities to assess fee as part of costs in each criminal or traffic case. See HB 2311 that is identical.

SB 1394. Petitions for removal of public officers. See HB 2465 that is identical.

SB 1411. Health insurance. The enrolled bill authorizes health insurers to offer, sell, and issue health insurance policies to small employers that provide coverage for eligible individuals that do not include coverage for state-mandated health insurance benefits. The Governor's amendments require that such policies include coverage, or the offer of coverage, for eight items, including child health supervision services, childhood immunizations, mental health and substance abuse services, mammograms, pap smears, PSA testing, colorectal cancer screening, and diabetes. Amendments also delete the provision of the enrolled bill that limited the availability of such limited health insurance policies to individuals who have been uninsured for six months, delete references to Code sections included within the scope of state-mandated health benefits, and require applications and enrollment forms for such policies to prominently disclose any and all state-mandated health benefits that are not provided by the policy.

SB 1442. Statewide case and financial management systems. See HB 1946 that is identical.

SB 1453. Commission on Civics Education.

The Governor's amendments expand the Commission from 15 to 19 members by adding four nonlegislative citizen members. The additional members are as follows: two to be appointed by the Governor and subject to confirmation by the General Assembly, one to be a representative of the Virginia Association of Counties, and one to be a representative of the Virginia Municipal League. Also, the amendment modifies the requirement that one nonlegislative citizen member be a representative of the Virginia Commonwealth University Public Policy Center, to state that such member be a representative of a public policy center with one of the Commonwealth's public institutions of higher education.

SB 1470. Payday lenders; unsecured loans prohibited. See HB 1706 that is identical.

SB 1471. Stormwater control and water or waste systems; allows Governor to disclaim rights, etc., of State. The Governor's amendment removes the requirement that the Governor's authority to disclaim, at the request of a local authority, the Commonwealth's interest in lands used for stormwater control systems or water or waste systems can only be exercised with the concurrence of the Attorney General, and instead provides that such disclaimer must be made on a form approved by the Attorney General.

SB 1495. Unemployment compensation; eligibility for benefits. The Governor's amendments provide that an individual who was employed part-time during at least one-half of the weeks of work in the individual's base period shall be deemed to satisfy the requirements that he be available for work and actively seeking and unable to obtain suitable work, if the individual is available for

and actively seeking work that is comparable to the individual's part-time work experience in the base period. The amendments also provide that an individual who has exhausted his eligibility for unemployment benefits and is enrolled in a qualified job training program is eligible to receive up to 26 weeks of additional benefits if the training is designed to prepare the individual for entry into a high demand occupation and the individual was separated from a declining occupation or was involuntarily and indefinitely separated from employment as a result of a permanent reduction of operations at the individual's place of employment. Another amendment adds the same exception regarding members of the Virginia National Guard relocating to a new assignment within the Commonwealth that currently exists in the provision regarding eligibility of military trailing spouses to the pool charge provision.

SB 1525. Conflicts of Interests; prohibited contracts. The enrolled bill provides that certain prohibitions on contracts involving local government employees will not apply when a contract for goods or services or contracts of employment are awarded to an immediate family member of the officer or employee, provided the officer or employee is not in a position to influence or exercise control over the process of awarding the contract. The Governor's amendments specify that the officer or employee also may not control the actual awarding of the contract.

SB 1535. Planning District Commissions; economic development organizations. Technical amendment.

SB 1547. Eligibility for state financial aid programs. The Governor's amendment limits the legislation to eligibility for state-supported financial aid programs only.

Governor's Vetoes

HB 1613. Regulation of polygraph examiners. The enrolled bill allows law-enforcement officers to utilize lie-detection devices that do not otherwise meet the minimum instrumentation requirements for polygraph devices, so long as the law-enforcement officer is certified by the manufacturer to operate the instrument. The Governor previously sent down a substitute to the bill during the 2009 Session of the General Assembly that was rejected. The Governor's explanation for the veto states that he does not believe that unregulated lie-detection devices should be authorized to be used during law-enforcement investigations.

HB 1851. Purchase of firearms by active duty military. As enrolled, the bill allows an active duty member of the United States Armed Forces or the Virginia National Guard to purchase more than one handgun in a 30-day period from a licensed dealer, if such person is otherwise authorized to purchase a handgun in the Commonwealth. The bill as enrolled does not change the general requirement that only Virginia residents may purchase handguns from licensed firearms dealers. The Governor, in his explanation, states that he would interpret the bill as to allow persons unable to obtain a concealed handgun permit and non-resident members of the United States Armed Forces to purchase more than one handgun in a 30-day period from a licensed dealer in the Commonwealth.

HB 2358. Triggerman rule; redefinition thereof, penalty. The enrolled bill redefines the "triggerman rule" to allow the death penalty to be imposed on accessories and principals in the second degree as well as the actual killer. The Governor's explanation states that Virginia

is already second in the nation in the number of executions carried out. While the nature of the offense targeted by this legislation is very serious, he does not believe that further expansion of the death penalty is necessary to protect human life. See SB 961 that is identical.

HB 2528. Disposition of firearms. The enrolled bill requires localities to enact an ordinance prior to participating in certain firearm buyback programs and also requires that such firearms be offered for sale by the locality by public auction, or sealed bids, to a person licensed as a dealer or be disposed of in any other appropriate manner. The Governor's explanation states in part that HB 2528 "unnecessarily interferes with the operations of local governments. Specifically, the bill prohibits local law enforcement from choosing to conduct voluntary gun buyback programs and then destroying the weapons."

HB 2638. Capital murder; add auxiliary police officer, etc. to definition of law-enforcement officer statute. The enrolled bill expands the capital murder statute to increase the number of offenders who would be eligible for capital punishment by including those who murder auxiliary police officers, auxiliary deputy sheriffs, fire marshals and assistant fire marshals. The Governor's explanation states that Virginia is already second in the nation in the number of executions carried out. While the nature of the offense targeted by this legislation is very serious, he does not believe that further expansion of the death penalty is necessary to protect human life.

SB 877. Carrying concealed weapons; retired law-enforcement officers. As enrolled, the bill allows retired law-enforcement officers who meet the requirements of the federal Law Enforcement Officers Safety Act to carry a concealed handgun in restaurants and clubs that

serve alcohol. This bill is declaratory of an existing federal law, which allows retired law-enforcement officers who meet the federal requirements to carry concealed firearms, regardless of a state's laws concerning the carrying of concealed firearms (with certain exceptions). The Governor, in his explanation, states that there is not a compelling reason for retired law-enforcement officers to have weapons where alcohol is served.

SB 961. Triggerman rule; redefinition thereof, penalty. See HB 2358 that is identical.

SB 1035. Concealed handgun; restaurants. The enrolled bill allows persons with concealed handgun permits to carry a concealed handgun in restaurants and clubs that serve alcohol, so long as such persons do not consume alcohol. The Governor's explanation states that he vetoed the bill for public safety reasons.

SB 1069. Capital murder; add fire marshals and assistant fire marshals. The enrolled bill expands the capital murder statute to increase the number of offenders who would be eligible for capital punishment by including those who murder fire marshals and assistant fire marshals. The Governor's explanation states that Virginia is already second in the nation in the number of executions carried out. While the nature of the offense targeted by this legislation is very serious, he does not believe that further expansion of the death penalty is necessary to protect human life.

SB 1374. Regulation of polygraph examiners. See HB 1613 that is identical.

SB 1409. Capital murder; adds auxiliary police officers, etc., to definition of law-enforcement officer. The enrolled bill expands the capital murder statute to increase

the number of offenders who would be eligible for capital punishment by including those who murder auxiliary police officers and auxiliary deputy sheriffs. The Governor's explanation states that Virginia is already second in the nation in the number of executions carried out. While the nature of the offense targeted by this legislation is very serious, he does not believe that further expansion of the death penalty is necessary to protect human life.

SB 1528. Concealed handgun permits; handgun competence. As enrolled, the bill allows an individual to complete a firearms safety course conducted by a state-certified or NRA-certified instructor electronically or online, and the completion of such class would satisfy the proof of competency required to obtain a concealed handgun permit. Current law allows a person to complete such a class to establish proof of competency, but does not specify whether the class must be completed online or in person. The Governor, in his explanation, states that it would be difficult to determine who was actually taking the class, if the class was completed online, and would potentially lead to situations in which persons obtain concealed handgun permits under fraudulent circumstances.

**For multiple copies of
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***Bills Returned by the Governor to
the Regular Reconvened Session (1986-2009)***

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
2009*		101	12	113	773	14.6

* 5 bills also were returned and approved with Governor's amendments during the 2009 Regular Session and one bill with Governor's amendments was rejected.

Totals include HB 1600, but not line item vetoes to the Budget Bill.

Sources: House and Senate Journals and Acts of Assembly.

Division of Legislative Services 4/2009.

2009

VIRGINIA DIVISION OF LEGISLATIVE SERVICES

E. M. Miller, Jr., Director

R.J. Austin, Manager, Special Projects

Lynda Waddill, Editor

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

<http://dls.virginia.gov>

Division of Legislative Services
910 Capitol Street, GAB, 2nd Floor
Richmond, Virginia 23219

