

Governor's Amendments and Vetoes

2017 General Assembly Session

The Governor vetoed 40 bills and recommended amendments to 83 bills passed by the 2017 Session of the 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 5. Not included in the Governor's Amendments section are 12 bills returned with amendments and one bill returned with a veto and acted upon by the members during the 2017 Regular Session.

Governor's Amendments

House Bills

HB 1411. Withdrawal of privately retained counsel. The enrolled bill allows a privately retained counsel in a criminal case to withdraw from representation without leave of court after certification of a charge by a district court by providing written notice within 10 days of the certification to the client, the attorney for the Commonwealth, and the circuit court. The Governor's amendment adds that the withdrawal can occur only if there is a written agreement between the attorney and client permitting such withdrawal.

HB 1491. Background checks; exceptions, sponsored living and shared residential service providers. The enrolled bill allows a provider licensed by the Department of Behavioral Health and Developmental Services or a community services board to approve a person as a sponsored residential service provider if any adult living in the home of an applicant or any person employed by the applicant to provide services in the home in which sponsored residential services are provided has been convicted of not more than one misdemeanor offense under § 18.2-57 or 18.2-57.2 if 10 years have elapsed following the conviction, unless the person committed the offense while employed in a direct care position. The Governor's amendments provide that such exception also applies to persons who are convicted of a substantially similar offense in another jurisdiction if 10 years have elapsed following the conviction.

HB 1525. Revocation or suspension of driver's licenses; laws of other jurisdictions. The enrolled bill provides that the Commissioner of the Department of Motor Vehicles is limited to reviewing the text of another jurisdiction's law when determining whether a person's driver's license should be administratively revoked or suspended as a result of such person's conviction in the other jurisdiction for an offense substantially similar to an offense under the law of the Commonwealth that requires revocation or suspension of a person's driver's license. The Governor's amendment provides that the provisions of the act would not apply to any disqualification of eligibility to operate a commercial motor vehicle imposed by the Commissioner of the Department of Motor Vehicles pursuant to the Virginia Commercial Driver's License Act.

HB 1532. Fire Programs Fund. The Governor's amendment provides that the bill shall not become effective unless reenacted by the 2018 Session.

HB 1539. Virginia Freedom of Information Act (FOIA); public access to records of public bodies. The enrolled bill, among other things, provides that information publicly available or not otherwise subject to exclusion under FOIA or other provision of law that has been aggregated,

combined, or changed in format shall not be deemed working papers exempted from mandatory disclosure unless such information contains a material revision. The Governor's amendment provides that such information shall not be deemed working papers unless there has been a substantive analysis or revision to the information.

HB 1663. Northern Virginia Community College; computer science training and professional development for teachers. The enrolled bill requires Northern Virginia Community College (i) in consultation with the Department of Education, to contract with a Virginia-based partner organization to develop, market, and implement high-quality and effective computer science training and professional development activities for public school teachers throughout the Commonwealth for the purpose of improving the computer science literacy of all public school students in the Commonwealth and (ii) to establish an advisory committee for the purpose of advising the college and its Virginia-based partner organization on the development, marketing, and implementation of such training and professional development activities. The Governor's amendments remove the requirement that Northern Virginia Community College's partner organization be based in Virginia. SB 1493, which is identical as enrolled, has the same Governor's amendments.

HB 1671. Qualified projects of natural gas utilities. The enrolled bill exempts any natural gas utility serving fewer than 2,000 residential customers and fewer than 350 commercial and industrial customers in the year in which the utility makes an investment for qualifying projects from the provision that limits the amount of investment that a natural gas utility may make in qualifying projects to one percent of its net plant investment that was used in establishing base rates in its most recent rate case. The existing exemption to the one percent cap applies to any natural gas utility serving fewer than 1,000 residential customers and fewer than 250 commercial and industrial customers in such year. As enrolled, the bill applies only to projects located in the coalfield region of Virginia. The Governor's amendment deletes the provision limiting the provision to projects located in the coalfield region of Virginia. The Governor's amendment has the effect of making the bill identical to SB 1289, which has already been signed into law by the Governor (2017 Acts, Chap. 253).

HB 1691. Property conveyance; Department of Conservation and Recreation; Widewater Beach Subdivision. The enrolled bill authorizes the Department of Conservation and Recreation (DCR) to convey certain real property in Stafford County to the Widewater Beach Subdivision Citizens Association, Inc. The Governor's amendment provides that DCR is authorized to accept donated parcels of land contiguous to Widewater State Park as needed in order to meet certain requirements of federal law.

HB 1708. Board of Education; standards of accreditation; industry certification credentials obtained by high school students. The enrolled bill requires the Board of Education (the Board) to consider for inclusion in the student outcome measures included in the Standards of Accreditation the number of industry certification credentials, as defined by the Board, obtained by high school students. The enrolled bill also prohibits the Board from including the number of such credentials in the student outcome measures included in the Standards of Accreditation prior to the 2018 Session of the General Assembly. The Governor's amendment removes such prohibition.

HB 1721. State Board for Community Colleges; reduced rate tuition and mandatory fee charges; certain students who are active duty members of the Armed Forces of the United States. Technical amendments.

HB 1791. Conspiracy; incitement, etc., to riot; public safety personnel; penalty. The enrolled bill provides that any person who conspires with others to cause or produce a riot against, or directs or incites other persons who participate in a riot to acts of force or violence against, a law-enforcement officer, firefighter, volunteer firefighter, or emergency medical services personnel, engaged in the performance of his public duties, or a member of the Virginia National Guard or the Virginia Defense Force on official state or federal duty is guilty of a Class 3 felony. The Governor's Amendment in the Nature of a Substitute adds that any person who conspires with others to cause or produce a riot and intentionally selects the person against whom the riot is aimed because of race, religious convictions, color, sexual orientation, or national origin is guilty of a Class 3 felony.

HB 1829. Teacher licensure; certification or training in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators; hands-on practice. The Governor's amendment delays the effective date of the bill to September 1, 2017.

HB 1846. Death certificates; filing. The enrolled bill requires a non-electronically filed death certificate to be filed for every death in the Commonwealth. Under current law, death certificates may be filed electronically or non-electronically. The Governor's amendments would continue to authorize electronically filed death certificates. The Governor's amendments specify that electronically filed death certificates must be filed with the State Registrar of Vital Records while the non-electronically filed death certificates must be filed with any district registrar.

HB 1851. Assault and battery against a family or household member; deferred disposition; waiver of appeal. The enrolled bill provides that a person charged with a first offense of assault against a family or household member who consents to probation and a deferred disposition of the charge has no right of appeal if he is subsequently found guilty of the original charge for a violation of the terms of his probation. The enrolled bill also provides that the order for the deferred disposition shall be stayed by the court for 14 days and placed on the court's docket for review and that such person may withdraw his consent to the waiver of appeal at any point prior to the date set for review of the order. The Governor's amendment removes the 14-day stay period provision and instead provides that a person may file a motion to withdraw his consent within 10 days of entry of the order deferring proceedings on a form prescribed by the Office of the Executive Secretary of the Supreme Court of Virginia. The Governor's amendment also directs that (i) the court shall schedule a hearing within 30 days of receipt of the motion and shall provide reasonable notice to the parties; (ii) if the person appears at the hearing and requests to withdraw his consent, the court shall grant such request, enter a final order adjudicating guilt, and sentence the person accordingly; and (iii) if the person does not appear at the hearing, the court shall deny his request.

HB 1854. Lobbyist reporting, the State and Local Government Conflict of Interests Act, and the General Assembly Conflicts of Interests Act; filing of required disclosures; registration of lobbyists; candidate filings; judges; definition of gift; informal advice; civil penalties; technical amendments. The enrolled bill clarifies that a legislator may have a personal interest in a contract with a state or local governmental agency, not including a legislative branch agency, when the Virginia Public Procurement Act allows the award of such contract without competition. The Governor's amendments require that any legislator who has a personal interest in such a contract with a governmental agency disclose the name of the agency, the approximate value of the contract, and the types of goods or services provided or to be provided under the contract, with the specific exception of any information by a legislator that is

protected by attorney-client or any other privilege. SB 1312, which is identical as enrolled, has the same Governor's amendments.

HB 1855. Restitution; form order, enforcement, noncompliance; etc. The enrolled bill makes numerous changes to the administration and enforcement of court-ordered restitution. Its provisions also remove the authority of a court to impose a fine not to exceed \$500, in lieu of confinement in jail, for a defendant's nonpayment of court-ordered fines, costs, restitution, forfeiture, or penalties after a defendant has entered into an installment or deferred payment agreement. The Governor's Amendment in the Nature of a Substitute removes these provisions from the bill, effectively continuing the court's authority to impose a fine for nonpayment of fines, costs, restitution, etc., in lieu of confinement in jail. SB 1284, which is identical as enrolled, has the same Governor's Amendment in the Nature of a Substitute.

HB 1856. Restitution; probation. The enrolled bill provides that for any offense that occurs on or after July 1, 2017, if restitution is ordered at the time of sentencing, the court shall place the defendant on an indefinite term of probation until all ordered restitution is paid in full. The Governor's Amendment in the Nature of a Substitute provides that the provisions of the act apply, as a pilot program, only in cases before the courts of the 16th Judicial Circuit and expire on July 1, 2019, and requires the Crime Commission to monitor the effect of the act and report its findings to the General Assembly by January 1, 2020. SB 1285, which is identical as enrolled, has the same Governor's Amendment in the Nature of a Substitute.

HB 1960. Tow truck drivers and towing and recovery operators; requirements; penalties. The enrolled bill, among other things, creates a civil penalty of \$150 to be paid into the Literary Fund for any tow truck driver or towing and recovery operator convicted of improperly towing in Planning District 8 (Northern Virginia), and it exempts tow truck drivers and towing and recovery operators in Planning District 8 from any requirement by a towing advisory board for written authorization in addition to a written contract in the event that a vehicle is being removed from private property. The Governor's first amendment removes the exemption for tow truck drivers and towing and recovery operators in Planning District 8 from any requirement by a towing advisory board for written authorization in addition to a written contract in the event that a vehicle is being removed from private property. The Governor's second amendment specifies that the new civil penalty is \$150 *per violation*.

HB 2014. Board of Education; biennial review of the standards of quality; odd-numbered years. The enrolled bill changes from even-numbered years to odd-numbered years the biennial review of the standards of quality that is required of the Board of Education (the Board) and changes from odd-numbered years to even-numbered years the requirement that the Board take into consideration in its budget estimates any recommended changes to the standards of quality. The Governor's amendment removes reference to any given year with regard to the budget estimates and directs that the Board take any recommended changes into consideration in its budget estimates if the Board makes such recommended changes.

HB 2016. Electric personal delivery devices. The enrolled bill allows for the operation of electric personal delivery devices on the sidewalks and shared-use paths and across roadways on crosswalks in the Commonwealth unless otherwise prohibited by a locality. The Governor's amendment requires the identification information on such device to be in a position and size to be clearly visible. The Governor's amendment has the effect of making the bill identical to SB 1207, which has already been signed into law by the Governor (2017 Acts, Chap. 251).

HB 2017. Virginia Public Procurement Act; bid, performance, and payment bonds; waiver by localities. The enrolled bill authorizes a locality, where the bid bond requirements are waived, to waive the requirement for prequalification of a bidder with a current Class A contractor license for contracts in excess of \$100,000 but less than \$500,000. The enrolled bill authorizes a locality, where performance and payment bond requirements are waived, to waive the requirement for prequalification of a contractor for contracts in excess of \$100,000 but less than \$300,000. The Governor's Amendment in the Nature of a Substitute creates uniformity in the dollar amounts of the contracts for which localities may waive the prequalification requirements, thus avoiding some internal conflicts and unintended consequences that are present in the enrolled bill due to the disparity of the dollar amounts. The Governor's Amendment in the Nature of a Substitute provides that localities may, where the bid, performance, and payment bonds are waived, waive the prequalification requirement for a bidder or a contractor with a current Class A contractor license for nontransportation-related construction contracts in excess of \$100,000 but less than \$300,000. Additionally, the Governor's Amendment in the Nature of a Substitute makes clear that a locality is limited to entering into only 10 of those contracts per year in which the prequalification requirement has been waived and removes the expiration date of the enrolled bill.

HB 2026. Department of Motor Vehicles; regulation of property carriers. The Governor's technical amendment clarifies the effective date of previously enacted legislation. SB 1364, which is identical as enrolled, has the same Governor's amendment.

HB 2053. Direct primary care agreements. The enrolled bill provides that direct agreement between a patient, the patient's legal representative, or the patient's employer and a health care provider for ongoing primary care services in exchange for the payment of a monthly periodic fee is not health insurance or a health maintenance organization if patients are not required to pay monthly periodic fees prior to initiation of the direct agreement coverage period. The Governor's first three amendments expand the requirements for disclosures regarding direct primary care agreements by requiring that (i) the disclosures be provided by any employer with a direct primary care agreement for its employees to those employees and (ii) the marketing materials and retainer medical agreements include a clear listing of the services provided under the direct primary care agreement. The Governor's fourth amendment provides that a violation of the provisions of the bill constitutes a prohibited practice under the Virginia Consumer Protection Act. SB 800, which is identical as enrolled, has the same Governor's amendments.

HB 2101. Health care providers; data collection. The enrolled bill defines "charity care" as used in the context of certificate of public need to mean health care services delivered to an *uninsured* patient who has a family income at or below 200 percent of the federal poverty level and for which it was determined that no payment was expected. The Governor's amendment changes the definition to include all patients, *insured and uninsured*, who have a family income at or below 200 percent of the federal poverty level and for which it was determined that no payment was expected.

HB 2105. Investment of Public Funds Act; investment of funds in Virginia Investment Pool Trust Fund. The enrolled bill authorizes a treasurer to join a qualified investment pool on behalf of his locality without an ordinance adopted by the locality. The enrolled bill provides that investments shall comply with the Investment of Public Funds Act, investment pools shall have a professional investment manager, and investment pools shall have at least 40 participants and \$400 million in assets. The Governor's amendment eliminates the requirement that investment

pools have at least 40 participants and \$400 million in assets. SB 1416, which is identical as enrolled, has the same Governor's amendment.

HB 2149. Registration of aircraft. The enrolled bill updates terminology by changing "license" to "registration" to better reflect the responsibility of the Department of Aviation to locate and count aircraft. The Governor's amendments remove language amending the definition of "aircraft," specify that aircraft registration or a registration requirement shall be considered licensure or meet the licensure requirement for purposes of the tax imposed pursuant to the Virginia Aircraft Sales and Use Tax Act, and include technical amendments.

HB 2163. Prescription of buprenorphine without naloxone; limitation. The enrolled bill provides that prescriptions for products containing buprenorphine without naloxone shall be issued only (i) for patients who are pregnant, (ii) when converting a patient from methadone to buprenorphine containing naloxone for a period not to exceed seven days, or (iii) as permitted by regulations of the Board of Medicine or the Board of Nursing. The Governor's amendments provide that prescriptions for products containing buprenorphine without naloxone may be issued as permitted by regulations of the Board of Veterinary Medicine and remove the enrolled bill's emergency clause. SB 1178, which is identical as enrolled, has the same Governor's amendments.

HB 2168. Virginia Coal Train Heritage Authority. The enrolled bill creates the Virginia Coal Train Heritage Authority (the Authority) with rights and powers to be exercised by a 25-member board, which will consist of three representatives from the governing body of each of the Counties of Dickenson, Russell, and Wise; two citizen members from each of those three counties; one citizen member from each of the Towns of Clinchco, Haysi, and St. Paul; three commissioners of the Breaks Interstate Park Commission; two citizen members with experience in the excursion train business; and two members of the General Assembly.

The Governor's Amendment in the Nature of a Substitute changes the board membership to 14 members as follows: one representative from the governing body of each of the Counties of Dickenson, Russell, and Wise; one citizen member from each of those three counties; one citizen member from each of the Towns of Clinchco, Haysi, and St. Paul; two commissioners of the Breaks Interstate Park Commission; one citizen member with experience in the excursion train business; and two members of the General Assembly.

The Governor's Amendment in the Nature of a Substitute also states that the purpose of the Authority shall be limited to developing tourism projects in the Counties of Dickenson, Russell, and Wise related to the Clinchfield Railroad, and that the powers granted by the bill shall be limited to carrying out such purpose. The Governor's Amendment in the Nature of a Substitute limits the Authority's power to issue bonds granted to the Authority to issuing only *revenue* bonds that are secured solely by revenues of the Authority.

In addition, the Governor's Amendment in the Nature of a Substitute eliminates the immunity that the enrolled bill granted to a private excursion train operator that has entered into a public-private partnership contract with the Authority.

HB 2201. Failure to drive on right side of highways or observe traffic lanes; penalties. The enrolled bill increases the fine for failing to drive on the right side of highways or failing to observe traffic lanes from no more than \$250 to a fine certain of \$250 per violation. The Governor's amendments reduce the fine certain from \$250 to \$100 per violation. The House concurred in the Governor's recommendation on February 25, 2017.

HB 2245. Virginia Research Investment Committee. The enrolled bill makes several changes to the role of the Virginia Research Investment Committee (the Committee), including granting the Committee the responsibility for approving the Commonwealth Research and Technology Strategic Roadmap (the Roadmap) developed by the State Council of Higher Education for Virginia. The enrolled bill requires the Committee to submit a draft of the Roadmap to the Governor and the Chairmen of the House Appropriations Committee, Senate Finance Committee, and Joint Commission on Technology and Science at least 30 days prior to a vote to approve the Roadmap and then to submit the approved Roadmap and any subsequent updates to the same parties. The Governor's amendments require that the Committee submit the approved Roadmap, and any subsequent updates, to the Governor for final approval and allow the Governor 30 days to direct that changes or revisions be made to the Roadmap before the Roadmap is implemented. SB 1371, which is identical as enrolled, has the same Governor's amendments.

HB 2289. Award of life insurance upon divorce or dissolution of marriage. The enrolled bill provides that where an order for spousal support or separate maintenance has been entered by the court, the court may order a party to maintain an existing life insurance policy, designate the other party as beneficiary, allocate the premium cost of life insurance between the parties, and order the insured party to facilitate the provision of certain information from the insurer to the beneficiary. The Governor's amendments (i) remove the ability of the court, upon motion of either party, to terminate an obligation to maintain life insurance upon a material change of circumstances and (ii) allow the court, upon motion of either party, to modify any order to maintain an existing life insurance policy, designate the other party as beneficiary, or allocate the premium cost of life insurance between the parties upon a change in the marital status of the payor spouse. Technical amendments are also made.

HB 2297. Marine Resources Commission; oyster planting grounds; notice of application for lease. The enrolled bill requires the Marine Resources Commission (the Commission) to post notice of an application to lease oyster planting grounds for 30 days on its website and to notify by mail any current holders of adjoining leases, and riparian owners within 200 feet of the selected grounds. The Governor's amendment specifies that notice to the governing board of an adjoining common interest community is sufficient to notify all members of such common interest community. The Governor's amendment has the effect of making the bill identical to SB 1144, which has already been signed into law by the Governor (2017 Acts, Chap. 250).

HB 2324. Payment of jurors; prepaid debit card or card account. The enrolled bill adds payment by credit to a prepaid debit card or card account to the methods by which a juror may be paid. The enrolled bill requires that such prepaid debit card or card account permit the juror to make at least one withdrawal or transfer without incurring a fee. The Governor's amendments require that such prepaid debit card or card account permit the juror to withdraw or transfer funds without incurring a fee even after the first transfer or withdrawal.

HB 2336. Report of law-enforcement officer involved in accident. The enrolled bill provides that any law-enforcement officer who is listed as a driver in a motor vehicle accident report submitted to the Department of Motor Vehicles (DMV) will not have the accident listed on his driving record if he was driving a motor vehicle provided by a law-enforcement agency in the course of his employment and was operating the motor vehicle in the performance of his official duties at the time of such accident. The Governor's amendment ensures that there is no conflict

with current law governing the release of driver information by the DMV. SB 1486, which is identical as enrolled, has the same Governor's amendment.

HB 2367. Virginia Port Authority; Board of Commissioners. The enrolled bill provides that the 11 members of the Board of Commissioners of the Virginia Port Authority appointed by the Governor no longer serve at the pleasure of the Governor and may be removed prior to the expiration of a five-year term only for cause. The Governor's amendments change from nonvoting ex officio member to voting member the status of two members of the Board of Commissioners of the Virginia Port Authority appointed by the Governor, one of whom represents the Port of Richmond and is from the City of Richmond or the County of Chesterfield, Hanover, or Henrico and one of whom represents the Virginia Inland Port and is from the City of Winchester or the County of Clarke, Frederick, or Warren. SB 1415, which is identical as enrolled, has the same Governor's amendments.

HB 2383. Department of Environmental Quality (DEQ); combined sewer overflow (CSO) outfalls; Chesapeake Bay Watershed. The enrolled bill directs DEQ to identify the owner of any combined sewer overflow outfall that discharges into the Chesapeake Bay Watershed and to determine what actions by the owner, if it is not under a state order, are necessary to bring the outfall into compliance with state and federal laws. The enrolled bill requires any owner of such an outfall to initiate construction activities by July 1, 2023, and to bring the outfall into compliance by July 1, 2025. The Governor's amendments push back the construction date from 2023 to 2024 and the compliance date from 2025 to 2027 and authorize DEQ to extend the compliance deadline in increments of up to six months until no later than July 1, 2030, if DEQ finds that the owner is complying with permit and reporting requirements and is unable to meet the completion deadline because of site conditions or delays in engineering, construction, or federal permitting that are beyond its control. Finally, the Governor's amendments direct DEQ to prioritize unpermitted discharges of human sewage in enforcing the provisions of the State Water Control Law. SB 898, which is identical as enrolled, has the same Governor's amendments.

HB 2386. Collection of unpaid court fines, etc. The enrolled bill amends existing requirements and establishes new requirements for deferred or installment payment agreements for court-ordered fines, costs, forfeitures, and penalties. The enrolled bill increases from 30 days to 90 days the grace period after sentencing or judgment after which delinquency must be reported on court clerks' monthly reports and collection activity for unpaid court fines, costs, forfeitures, penalties, and restitution may be commenced; the first and second Governor's amendments restore the existing 30-day period. The third Governor's amendment adds that when setting the terms of a deferred or installment payment agreement, the court's decision shall not be based solely on the amount of fines and costs. The fourth Governor's amendment is a technical amendment that further clarifies that the court has the discretionary authority to require a down payment as a condition of entering a payment agreement. The enrolled bill sets a maximum amount the court may set as a down payment for a deferred or installment payment agreement absent a good cause showing, and the court may set a higher down payment upon a good cause showing. The fifth, sixth, and seventh Governor's amendments lower the maximum amounts a court may set as a down payment amount, and the eighth Governor's amendment removes the court's authority to set a higher down payment amount for good cause. The enrolled bill provides that any modification to an existing deferred or installment payment agreement shall be made by motion and hearing shall be set to hear that motion. The ninth Governor's amendment replaces the requirement that a modification to a payment agreement be made by motion with a requirement that such modification be made in writing on a form provided by the Executive

Secretary of the Supreme Court, and the tenth Governor's amendment removes the requirement that a hearing is required before the court may modify a payment agreement. The enrolled bill provides that the court may set a down payment in excess of the initial down payment amounts in those situations where a defendant has defaulted on an existing payment agreement. The eleventh and twelfth Governor's amendments remove the court's authority to set a down payment in excess of the initial down payment amounts in those situations and provide instead that the court shall require a down payment in an amount not to exceed the same amounts for which the court may have imposed the discretionary down payment as proposed by the Governor's amendments, as follows: (i) if the fines and costs owed are \$500 or less, 10 percent of such amount or (ii) if the fines and costs owed are more than \$500, five percent of such amount or \$50, whichever is greater. SB 854, which is identical as enrolled, has the same Governor's amendments.

HB 2390. Renewable energy power purchase agreements; pilot programs. The enrolled bill expands the pilot program for renewable energy power purchase agreements authorized under legislation enacted in 2013 by directing that a pilot program be conducted by Appalachian Power. Currently, a pilot program is authorized only within Dominion Power's service territory. The enrolled bill provides that within the certificated service territory of Appalachian Power, nonprofit, private institutions of higher education that are not being served under a specific renewable generation tariff provision are deemed to be customer-generators eligible to participate in the pilot program, without the requirement that they participate in the utility's net energy metering program. The aggregated capacity of all generation facilities that are subject to third party power purchase agreements in Appalachian Power's pilot program is capped at seven megawatts. The Governor's first amendment provides that the act does not apply to Old Dominion Power. The Governor's second amendment provides that the pilot program conducted within Appalachian Power's certificated service territory expires on July 1, 2022, and that such expiration shall not affect any power purchase agreement entered into during the term of the pilot program.

HB 2442. Local collection fees. The enrolled bill provides that an ordinance for collection of overdue accounts may also provide for the imposition of collection and administrative fees, not to exceed the amount provided for in § 58.1-3958. The Governor's first amendment clarifies that localities may provide for collection *or* administrative fees rather than collection *and* administrative fees. The Governor's second amendment deletes the reference to § 58.1-3958 and replaces it with a cap of five percent.

HB 2471. Virginia Economic Development Partnership Authority; membership; powers and duties. The enrolled bill makes several changes to the governing board (the Board) of the Economic Development Partnership Authority (the Authority), its organization, and its duties and responsibilities. The enrolled bill requires that nonlegislative citizen appointees to the Board possess expertise in certain enumerated areas and that the Board meet at the call of the chairman or at the request of a majority of the members. The enrolled bill also requires the appointment of an internal auditor responsible for performing an annual audit on all operations, accounts, and transactions of the Authority. The enrolled bill requires the Board to develop and update biennially a strategic plan, a marketing plan, and an operational plan and to submit the plans and any modifications to the special subcommittee on economic development of the Joint Legislative Audit and Review Commission (JLARC) and the Chairmen of the House Appropriations and Senate Finance Committees. The enrolled bill creates a new Division of Incentives within the Authority responsible for reviewing, vetting, tracking, managing, and coordinating all economic

development incentives offered by the Commonwealth and localities for approved projects. The Governor's Amendment in the Nature of a Substitute (i) includes biotechnology, cybersecurity, defense, energy, and other industries identified in the strategic economic development policy for the Commonwealth to the list of areas of expertise that a Board member shall possess; (ii) requires that the chairman and vice-chairman, with the consent of the Board, create an executive committee; (iii) requires that the Board meet at least quarterly and removes the language that the Board may meet upon the request of a majority of the members; (iv) amends the language regarding the annual audit of the internal auditor to require the auditor to develop and implement an annual work plan identifying the anticipated auditing activities for the year and submit such plan to the executive committee for approval; (v) removes language requiring that any modifications to the strategic plan, marketing plan, or operational plan be promptly submitted to the special subcommittee on economic development of JLARC and the Chairmen of the House Appropriations Committees and Senate Finance Committees and instead requires that any modifications be included in an annual report to such persons and entities; (vi) adds a requirement that the operational plan include a strategy for coordinating with other state agencies that also administer economic development programs; (vii) limits the oversight of the new Division of Incentives to incentives administered by the Authority or offered in conjunction with the Authority; (viii) adds a records exemption from the Freedom of Information Act for portions of the strategic, marketing, or operational plan that would adversely affect the financial interests of the Commonwealth, as well as a corresponding meetings exemption for discussion of such information; (ix) changes the Governor's initial appointments to the new Board to the appointment of five nonlegislative citizen members for a term of one year and two nonlegislative citizen members for a term of three years; (x) adds an emergency clause; and (xi) includes technical amendments. SB 1574, which is identical as enrolled, has the same Governor's Amendment in the Nature of a Substitute.

Senate Bills

SB 800. Direct primary care agreements. The enrolled bill provides that direct agreement between a patient, the patient's legal representative, or the patient's employer and a health care provider for ongoing primary care services in exchange for the payment of a monthly periodic fee is not health insurance or a health maintenance organization if patients are not required to pay monthly periodic fees prior to initiation of the direct agreement coverage period. The Governor's first three amendments expand the requirements for disclosures regarding direct primary care agreements by requiring that (i) the disclosures be provided by any employer with a direct primary care agreement for its employees to those employees and (ii) the marketing materials and retainer medical agreements include a clear listing of the services provided under the direct primary care agreement. The Governor's fourth amendment provides that a violation of the provisions of the bill constitutes a prohibited practice under the Virginia Consumer Protection Act. HB 2053, which is identical as enrolled, has the same Governor's amendments.

SB 812. Board for Asbestos, Lead, and Home Inspectors; home inspections; required statement related to the presence of yellow shaded corrugated stainless steel tubing. The enrolled bill requires that, whenever a home inspector observes the presence of any shade of yellow shaded corrugated stainless steel tubing during an inspection of certain homes, the inspection report include a statement that manufacturers believe the product is safer if properly bonded as required by the manufacturer's installation instructions. The Governor's amendments modify the required statement to say that the product is safer if properly bonded and grounded.

SB 854. Collection of unpaid court fines, etc. The enrolled bill amends existing requirements and establishes new requirements for deferred or installment payment agreements for court-ordered fines, costs, forfeitures, and penalties. The enrolled bill increases from 30 days to 90 days the grace period after sentencing or judgment after which delinquency must be reported on court clerks' monthly reports and collection activity for unpaid court fines, costs, forfeitures, penalties, and restitution may be commenced; the first and second Governor's amendments restore the existing 30-day period. The third Governor's amendment adds that when setting the terms of a deferred or installment payment agreement, the court's decision shall not be based solely on the amount of fines and costs. The fourth Governor's amendment is a technical amendment that further clarifies that the court has the discretionary authority to require a down payment as a condition of entering a payment agreement. The enrolled bill sets a maximum amount the court may set as a down payment for a deferred or installment payment agreement absent a good cause showing, and the court may set a higher down payment upon a good cause showing. The fifth, sixth, and seventh Governor's amendments lower the maximum amounts a court may set as a down payment amount, and the eighth Governor's amendment removes the court's authority to set a higher down payment amount for good cause. The enrolled bill provides that any modification to an existing deferred or installment payment agreement shall be made by motion and hearing shall be set to hear that motion. The ninth Governor's amendment replaces the requirement that a modification to a payment agreement be made by motion with a requirement that such modification be made in writing on a form provided by the Executive Secretary of the Supreme Court, and the tenth Governor's amendment removes the requirement that a hearing is required before the court may modify a payment agreement. The enrolled bill provides that the court may set a down payment in excess of the initial down payment amounts in those situations where a defendant has defaulted on an existing payment agreement. The eleventh and twelfth Governor's amendments remove the court's authority to set a down payment in excess of the initial down payment amounts in those situations and provide instead

that the court shall require a down payment in an amount not to exceed the same amounts for which the court may have imposed the discretionary down payment as proposed by the Governor's amendments, as follows: (i) if the fines and costs owed are \$500 or less, 10 percent of such amount or (ii) if the fines and costs owed are more than \$500, five percent of such amount or \$50, whichever is greater. HB 2386, which is identical as enrolled, has the same Governor's amendments.

SB 864. Electoral board appointments; chief judge of the judicial circuit or his designee to make appointment. The enrolled bill provides that appointments to the electoral board of each county and city are to be made by the chief judge of the judicial circuit for the county or city or that judge's designee, who shall be any other judge sitting in that judicial circuit. The Governor's amendment adds a requirement that these appointments be made from the list of recommendations filed by the political parties.

SB 898. Department of Environmental Quality (DEQ); combined sewer overflow (CSO) outfalls; Chesapeake Bay Watershed. The enrolled bill directs DEQ to identify the owner of any combined sewer overflow outfall that discharges into the Chesapeake Bay Watershed and to determine what actions by the owner, if it is not under a state order, are necessary to bring the outfall into compliance with state and federal laws. The enrolled bill requires any owner of such an outfall to initiate construction activities by July 1, 2023, and to bring the outfall into compliance by July 1, 2025. The Governor's amendments push back the construction date from 2023 to 2024 and the compliance date from 2025 to 2027 and authorize DEQ to extend the compliance deadline in increments of up to six months until no later than July 1, 2030, if DEQ finds that the owner is complying with permit and reporting requirements and is unable to meet the completion deadline because of site conditions or delays in engineering, construction, or federal permitting that are beyond its control. Finally, the Governor's amendments add an enactment clause directing DEQ to prioritize the unpermitted discharges of human sewage in enforcing the provisions of the State Water Control Law. HB 2383, which is identical as enrolled, has the same Governor's amendments.

SB 962. Sales and use tax; nexus for out-of-state businesses. The enrolled bill provides that storage of inventory in the Commonwealth is sufficient nexus to require out-of-state businesses to collect sales and use tax on sales to customers in the Commonwealth. The provisions of the enrolled bill would go into effect in due course. The Governor's amendment adds an emergency clause. HB 2058, which is identical as enrolled, has already been signed into law by the Governor (2017 Acts, Chap. 51).

SB 1008. Criminal history records checks; barrier crimes. Technical amendments, including several amendments to conform the language in the enrolled bill to three other bills that have already been signed into law by the Governor (2017 Acts, Chaps. 189 (HB 1568), 748 (HB 1837), and 751 (SB 897)).

SB 1023. Concealed handgun permits; sharing information. The enrolled bill prohibits the sharing of information regarding Virginia concealed handgun permits with law enforcement in states that do not recognize such permits as valid in the state and requires the Department of State Police to maintain and publish online a list of states that recognize Virginia concealed handgun permits as valid in the state. The Governor's Amendment in the Nature of a Substitute removes the prohibition on sharing information regarding Virginia concealed handgun permits with law enforcement in certain states. The Governor's Amendment in the Nature of a Substitute also prohibits any person who is not a licensed firearms dealer from purchasing more than one

handgun in a 30-day period, establishes such an offense as a Class 1 misdemeanor, and provides exceptions to this prohibition.

SB 1073. Charter; Town of Bridgewater. The enrolled bill updates the town's charter and sets out various powers that are typically exercised by towns. The Governor's amendments set the terms of the mayor and members of council at four years or until their successors are elected and qualified.

SB 1102. Virginia Freedom of Information Act; completed unattended death investigations; mandatory disclosure. The enrolled bill requires that records of completed unattended death investigations be released to the parent or spouse of the decedent or, if there is no living parent or spouse, to the most immediate family member of the decedent. The Governor's amendments (i) change the disclosure requirement to require that only summaries, not complete records, be released; (ii) add a proviso that such records be released to the parent or spouse of the decedent or, if there is no living parent or spouse, to the most immediate family member of the decedent only if the person is not a person of interest or a suspect; and (iii) alter the definition of "unattended death" in the enrolled bill by removing the requirement that law enforcement make the determination that no criminal charges will be initiated related to the suicide or accidental or natural death, thus defining "unattended death" as "a death determined to be a suicide, accidental or natural death where no criminal charges will be initiated."

SB 1116. Certain public school employees; assistance with student insulin pumps. The enrolled bill authorizes, but does not require, local school board employees who are registered nurses, licensed practical nurses, or certified nurse aides and who have been trained in the administration of insulin and glucagon to assist a student who is diagnosed with diabetes and who carries an insulin pump with the insertion or reinsertion of the pump or any of its parts, provided that assistance has been authorized by the prescriber and consented to by the student's parent. The Governor's amendments (i) clarify that liability is limited for such school board employees who provide such assistance and (ii) specify that such employees are required to be trained in the use and insertion of insulin pumps before assisting a student with the insertion or reinsertion of the pump or any of its parts.

SB 1178. Prescription of buprenorphine without naloxone; limitation. The enrolled bill provides that prescriptions for products containing buprenorphine without naloxone shall be issued only (i) for patients who are pregnant, (ii) when converting a patient from methadone to buprenorphine containing naloxone for a period not to exceed seven days, or (iii) as permitted by regulations of the Board of Medicine or the Board of Nursing. The Governor's amendments provide that prescriptions for products containing buprenorphine without naloxone may be issued as permitted by regulations of the Board of Veterinary Medicine and remove the enrolled bill's emergency clause. HB 2163, which is identical as enrolled, has the same Governor's amendments.

SB 1239. Child day programs; exemptions from licensure. The enrolled bill repeals requirements that child day centers and child day programs operated by religious institutions must comply with in order to be exempt from licensure, including requirements related to (i) inspections by local health departments and fire marshals, (ii) staff-to-child ratios, (iii) staff age requirements, (iv) clearance of staff by a physician, (v) disclosures to parents and the general public, and (vi) procedures for hand washing, intake and dismissal, daily health screenings and exclusion of sick children, compliance with immunization requirements, condition of the premises, and recognizing signs of child abuse and neglect. The enrolled bill establishes

requirements that such religious-exempt providers, along with other child day programs exempt from licensure, (a) file with the Commissioner of Social Services a statement indicating the intent to operate a child day program, identifying the Code provision relied upon for exemption from licensure, and certifying that the program has disclosed to all the parents the fact that it is exempt from licensure; (b) report all incidents involving serious injury to or death of children attending the program; (c) have a person trained and certified in first aid and cardiopulmonary resuscitation (CPR) present; (d) comply with background check requirements; (e) maintain daily attendance records; (f) have an emergency preparedness plan in place; (g) comply with all applicable laws governing transportation of children; (h) comply with certain safe sleep practices for infants; and (i) post in a visible location notice that the program is exempt from licensure. The Governor's Amendment in the Nature of a Substitute removes the repeal of the existing requirements imposed on religious-exempt providers and requires that such providers post in a visible location on the premises the fact that they are exempt from licensure, have a person trained and certified in first aid and cardiopulmonary resuscitation (CPR) present, comply with certain safe sleep guidelines for infants, and report all incidents involving serious injury to or death of children attending the program. The Governor's Amendment in the Nature of a Substitute also restores the staff-to-child ratio modifications that were included in the versions of this bill that initially passed both the Senate and the House.

SB 1258. Virginia Solar Energy Development and Energy Storage Authority. The enrolled bill renames the Virginia Solar Energy Development Authority as the Virginia Solar Energy Development and Energy Storage Authority and expands the purposes of the authority to include positioning the Commonwealth as a leader in research, development, commercialization, manufacturing, and deployment of energy storage technology. The Governor's amendments address the staggering of the terms of new members.

SB 1282. Wireless communications infrastructure. The enrolled bill provides a uniform procedure for the way in which small cell facilities on existing structures are approved by localities and approved and installed in public rights-of-way and addresses restrictions by localities and the Department of Transportation regarding the use of public rights-of-way or easements. The Governor's amendments (i) clarify that a locality may disapprove of a proposed installation for the reasons stated; (ii) clarify that the exemption for historic property applies to local charter ordinances only; (iii) replace the single \$250 fee for processing an application for a districtwide or single use permit with a \$750 fee for processing an application for a districtwide permit and a \$150 fee for processing an application for a single-use permit; (iv) authorize the Department of Transportation and localities to require permittees to relocate wireless support structures when necessary due to the need to remove a hazard from the right-of-way when the Commissioner of Highways determines such removal is necessary to ensure the safety of the traveling public; (v) clarify that the authority of the Department of Transportation or localities to require permittees to relocate wireless support structures when necessary due to material changes in the right-of-way applies to such changes that are in similar conflict with the use of the right-of-way; and (vi) add an enactment clause that grandfathers existing agreements by stating that the act does not apply to any agreement, contract, or permit between the Department and a wireless services provider or wireless infrastructure provider allowing the use of the public rights-of-way by the provider, where the agreement, contract, or permit was existing and in effect prior to and on July 1, 2017. The enactment clause also authorizes the Department to continue enforcing such an agreement, contract, or permit pursuant to its terms.

SB 1284. Restitution; form order, enforcement, noncompliance; etc. The enrolled bill makes numerous changes to the administration and enforcement of court-ordered restitution. Its provisions also remove the authority of a court to impose a fine not to exceed \$500, in lieu of confinement in jail, for a defendant's nonpayment of court-ordered fines, costs, restitution, forfeiture, or penalties after a defendant has entered into an installment or deferred payment agreement. The Governor's Amendment in the Nature of a Substitute removes these provisions from the bill, effectively continuing the court's authority to impose a fine for nonpayment of fines, costs, restitution, etc., in lieu of confinement in jail. HB 1855, which is identical as enrolled, has the same Governor's Amendment in the Nature of a Substitute.

SB1285. Restitution; probation. The enrolled bill provides that for any offense that occurs on or after July 1, 2017, if restitution is ordered at the time of sentencing, the court shall place the defendant on an indefinite term of probation until all ordered restitution is paid in full. The Governor's Amendment in the Nature of a Substitute provides that the provisions of the act apply, as a pilot program, only in cases before the courts of the 16th Judicial Circuit and expire on July 1, 2019, and requires the Crime Commission to monitor the effect of the act and report its findings to the General Assembly by January 1, 2020. HB 1856, which is identical as enrolled, has the same Governor's Amendment in the Nature of a Substitute.

SB 1296. County food and beverage tax; referendum. The enrolled bill prohibits a county from holding a new referendum on levying a food and beverage tax for three years after its electoral defeat. The enrolled bill also requires the ballot for a referendum to state the total tax that would be imposed on food and beverage if the referendum were to pass. The Governor's amendments reduce the prohibition period from three years to one year and eliminate the requirement that the ballot state the total tax.

SB 1303. Voter registration; deadline for registration by electronic means. The enrolled bill requires the offices of the general registrar to close for voter registration purposes at 5:00 p.m. on the final day of registration and also requires voter registration applications that are made by electronic means to be made by 5:00 p.m. on the final day of registration. The Governor's amendments change that 5:00 p.m. deadline to 11:59 p.m., allowing the offices of the general registrar to stay open until 11:59 p.m. on the final day of registration, and require applications that are made by electronic means to be accepted if submitted by 11:59 p.m. on the final day of registration.

SB 1312. Lobbyist reporting, the State and Local Government Conflict of Interests Act, and the General Assembly Conflicts of Interests Act; filing of required disclosures; registration of lobbyists; candidate filings; judges; definition of gift; informal advice; civil penalties; technical amendments. The enrolled bill clarifies that a legislator may have a personal interest in a contract with a state or local governmental agency, not including a legislative branch agency, when the Virginia Public Procurement Act allows the award of such contract without competition. The Governor's amendments require that any legislator who has a personal interest in such a contract with a governmental agency disclose the name of the agency, the approximate value of the contract, and the types of goods or services provided or to be provided under the contract, with the specific exception of any information by a legislator that is protected by attorney-client or any other privilege. HB 1854, which is identical as enrolled, has the same Governor's amendments.

SB 1315. Foster care; possession of firearm. The enrolled bill requires an individual providing foster care services to store all firearms, other weapons, and ammunition in a locked closet or

cabinet unless they are being lawfully carried on the individual's person. The Governor's Amendment in the Nature of a Substitute (i) requires that ammunition be stored in a separate locked closet or cabinet, (ii) provides that any firearm equipped with a mechanism that is designed to prevent the firearm from being operated without first deactivating the mechanism be stored with such mechanism activated, and (iii) removes the exception to the storage requirement for firearms, other weapons, or ammunition lawfully carried on the individual's person. The enrolled bill requires the possession of any firearm or weapon in the foster home to comply with state and federal law; the Governor's Amendment in the Nature of a Substitute requires that the possession of any firearm also comply with local ordinances.

SB 1364. Department of Motor Vehicles; regulation of property carriers. The Governor's technical amendment clarifies the effective date of previously enacted legislation. HB 2026, which is identical as enrolled, has the same Governor's amendment.

SB 1371. Virginia Research Investment Committee. The enrolled bill makes several changes to the role of the Virginia Research Investment Committee (the Committee), including granting the Committee the responsibility for approving the Commonwealth Research and Technology Strategic Roadmap (the Roadmap) developed by the State Council of Higher Education for Virginia. The enrolled bill requires the Committee to submit a draft of the Roadmap to the Governor and the Chairmen of the House Appropriations Committee, Senate Finance Committee, and Joint Commission on Technology and Science at least 30 days prior to a vote to approve the Roadmap and then to submit the approved Roadmap and any subsequent updates to the same parties. The Governor's amendments require that the Committee submit the approved Roadmap, and any subsequent updates, to the Governor for final approval and allow the Governor 30 days to direct that changes or revisions be made to the Roadmap before the Roadmap is implemented. HB 2245, which is identical as enrolled, has the same Governor's amendments.

SB 1398. Coal combustion residuals unit; closure permit; assessments required. The enrolled bill requires the owner or operator of a coal combustion residuals unit (CCR unit) to identify water pollution and address corrective measures to resolve it, evaluate clean closure by recycling the ash or moving it to a landfill, and demonstrate the unit's long-term safety. The enrolled bill requires the owner or operator of each CCR unit to transmit a report on its progress to the Department of Environmental Quality (DEQ) and other agencies or legislative committees by January 1, 2018. The enrolled bill prohibits the Director of DEQ from delaying the issuance of a permit to close any CCR unit pending the completion of the assessment. The Governor's amendments move up by one month, to December 1, 2017, the date by which the operator is to provide its assessment. The Governor's amendments also require the Director of DEQ to delay the issuance of a permit to close a CCR unit until May 1, 2018, or the effective date of any legislation adopted during the 2018 Session of the General Assembly that addresses the closure of a CCR unit, whichever occurs later.

SB 1415. Virginia Port Authority; Board of Commissioners. The enrolled bill provides that the 11 members of the Board of Commissioners of the Virginia Port Authority appointed by the Governor no longer serve at the pleasure of the Governor and may be removed prior to the expiration of a five-year term only for cause. The Governor's amendments change from nonvoting ex officio member to voting member the status of two members of the Board of Commissioners of the Virginia Port Authority appointed by the Governor, one of whom represents the Port of Richmond and is from the City of Richmond or the County of Chesterfield,

Hanover, or Henrico and one of whom represents the Virginia Inland Port and is from the City of Winchester or the County of Clarke, Frederick, or Warren. HB 2367, which is identical as enrolled, has the same Governor's amendments.

SB 1416. Investment of Public Funds Act; investment of funds in Virginia Investment Pool Trust Fund. The enrolled bill authorizes a treasurer to join a qualified investment pool on behalf of his locality without an ordinance adopted by the locality. The enrolled bill provides that investments shall comply with the Investment of Public Funds Act, investment pools shall have a professional investment manager, and investment pools shall have at least 40 participants and \$400 million in assets. The Governor's amendment eliminates the requirement that investment pools have at least 40 participants and \$400 million in assets. HB 2105, which is identical as enrolled, has the same Governor's amendment.

SB 1418. Electric utilities; costs of pumped hydroelectricity generation and storage facilities. The enrolled bill authorizes an investor-owned electric utility to petition the State Corporation Commission for approval of a rate adjustment clause for recovery of the costs of one or more pumped hydroelectricity generation and storage facilities that utilize associated on-site or off-site renewable energy resources as all or a portion of their power source and such facilities and associated resources are located in the coalfield region of the Commonwealth. The first Governor's amendment is technical. The second Governor's amendment declares that the construction of these generation and storage facilities is in the public interest and requires the State Corporation Commission, in determining whether to approve such a facility, to liberally construe the provisions of Title 56. The second Governor's amendment is not included in HB 1760, which has already been signed into law by the Governor (2017 Acts, Chap. 246).

SB 1486. Report of law-enforcement officer involved in accident. The enrolled bill provides that any law-enforcement officer who is listed as a driver in a motor vehicle accident report submitted to the Department of Motor Vehicles (DMV) will not have the accident listed on his driving record if he was driving a motor vehicle provided by a law-enforcement agency in the course of his employment and was operating the motor vehicle in the performance of his official duties at the time of such accident. The Governor's amendment ensures that there is no conflict with current law governing the release of driver information by the DMV. HB 2336, which is identical as enrolled, has the same Governor's amendment.

SB 1492. Water utilities; consolidated ratemaking. The enrolled bill requires that in any ratemaking proceeding for certain investor-owned water utilities that are part of a water utility network the State Corporation Commission shall ensure that equal fixed and volumetric rates are charged for each customer class of every water utility that is in the water utility network. In such proceeding, the Commission is authorized to aggregate the revenues and costs of the water utilities that are members of the applicable water utility network. The first Governor's amendment revises a criterion for determining which water utilities are excluded from the act. The second and third Governor's amendments direct the Commission, in a proceeding implementing the provisions of the act, to order gradual adjustments to the water utility's rates over an appropriate period.

SB 1493. Northern Virginia Community College; computer science training and professional development for teachers. The enrolled bill requires Northern Virginia Community College (i) in consultation with the Department of Education, to contract with a Virginia-based partner organization to develop, market, and implement high-quality and effective computer science training and professional development activities for public school

teachers throughout the Commonwealth for the purpose of improving the computer science literacy of all public school students in the Commonwealth and (ii) to establish an advisory committee for the purpose of advising the college and its Virginia-based partner organization on the development, marketing, and implementation of such training and professional development activities. The Governor's amendments remove the requirement that Northern Virginia Community College's partner organization be based in Virginia. HB 1663, which is identical as enrolled, has the same Governor's amendments.

SB 1574. Virginia Economic Development Partnership Authority; membership; powers and duties. The enrolled bill makes several changes to the governing board (the Board) of the Economic Development Partnership Authority (the Authority), its organization, and its duties and responsibilities. The enrolled bill requires that nonlegislative citizen appointees to the Board possess expertise in certain enumerated areas and that the Board meet at the call of the chairman or at the request of a majority of the members. The enrolled bill also requires the appointment of an internal auditor responsible for performing an annual audit on all operations, accounts, and transactions of the Authority. The enrolled bill requires the Board to develop and update biennially a strategic plan, a marketing plan, and an operational plan and to submit the plans and any modifications to the special subcommittee on economic development of the Joint Legislative Audit and Review Commission (JLARC) and the Chairmen of the House Appropriations and Senate Finance Committees. The enrolled bill creates a new Division of Incentives within the Authority responsible for reviewing, vetting, tracking, managing, and coordinating all economic development incentives offered by the Commonwealth and localities for approved projects. The Governor's Amendment in the Nature of a Substitute (i) includes biotechnology, cybersecurity, defense, energy, and other industries identified in the strategic economic development policy for the Commonwealth to the list of areas of expertise that a Board member shall possess; (ii) requires that the chairman and vice-chairman, with the consent of the Board, create an executive committee; (iii) requires that the Board meet at least quarterly and removes the language that the Board may meet upon the request of a majority of the members; (iv) amends the language regarding the annual audit of the internal auditor to require the auditor to develop and implement an annual work plan identifying the anticipated auditing activities for the year and submit such plan to the executive committee for approval; (v) removes language requiring that any modifications to the strategic plan, marketing plan, or operational plan be promptly submitted to the special subcommittee on economic development of JLARC and the Chairmen of the House Appropriations Committees and Senate Finance Committees and instead requires that any modifications be included in an annual report to such persons and entities; (vi) adds a requirement that the operational plan include a strategy for coordinating with other state agencies that also administer economic development programs; (vii) limits the oversight of the new Division of Incentives to incentives administered by the Authority or offered in conjunction with the Authority; (viii) adds a records exemption from the Freedom of Information Act for portions of the strategic, marketing, or operational plan that would adversely affect the financial interests of the Commonwealth, as well as a corresponding meetings exemption for discussion of such information; (ix) changes the Governor's initial appointments to the new Board to the appointment of five nonlegislative citizen members for a term of one year and two nonlegislative citizen members for a term of three years; (x) adds an emergency clause; and (xi) includes technical amendments. HB 2471, which is identical as enrolled, has the same Governor's Amendment in the Nature of a Substitute.

Governor's Vetoes

HB 1394. Employees; franchisees excluded. The enrolled bill provides that, notwithstanding any voluntary agreement between the U.S. Department of Labor and the franchisee or franchisor, neither a franchisee nor a franchisee's employee shall be deemed to be an employee of the franchisee's franchisor. The bill also provides that this exclusion does not apply with respect to a specific claim for relief made by a franchisee or a franchisee's employee if the franchisor has been found by a court of competent jurisdiction to have exercised a type or degree of control over the franchisee or the franchisee's employees not customarily exercised by a franchisor for the purpose of protecting the franchisor's trademarks and brand. The Governor's veto explanation states:

“Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 1394, which would categorically prohibit franchisees and their employees from being considered the employees of a franchisor.

As proponents of this legislation have acknowledged, franchisees and their employees are not considered employees of the franchisor in typical franchisor/franchisee relationships. However, the nature of that relationship is subject to a particularized fact-based inquiry, and in situations of dominant franchisors, the franchisees and their employees are de facto employees of the franchisors.

House Bill 1394 would relieve these dominant franchisor/employers of the obligations and responsibilities an employer owes to its employees. As a result of this blanket approach, it would fall to the dominated franchisees—usually small, Virginia-based businesses—to shoulder the burdens more appropriately placed on the dominant franchisor.

Healthy franchisee/franchisor relationships are an integral part of the business environment and play an important role as we continue to build the new Virginia economy. House Bill 1394 would undermine that effort by exempting dominant franchisors from their obligations to Virginia businesses and workers.”

HB 1400. Virginia Virtual School established. The enrolled bill establishes the Board of the Virginia Virtual School (the Board) as a policy agency in the executive branch of state government for the purpose of governing the full-time virtual school programs offered to students enrolled in the Virginia Virtual School (the School). The Secretary of Education is responsible for such agency. The 14-member Board is given operational control of the School and assigned powers and duties. Beginning with the 2019-2020 school year, the bill requires the School to be open to any school-age person in the Commonwealth and to provide an educational program meeting the Standards of Quality for grades kindergarten through 12, with a maximum enrollment of 5,000 students statewide. The bill requires the average state share of Standards of Quality per pupil funding for each enrolled student to be transferred to the School. SB 1240, which is identical as enrolled, has the same Governor's veto explanation. The Governor's veto explanation states:

“Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 1400, which would create a new executive branch agency known as the Virginia Virtual School. This entity, governed by an independent policy board, would facilitate the provision of full-time, online education programs for students throughout Virginia.

This bill is virtually identical to HB 8 (2016). The Office of the Attorney General advised that HB 8 was unconstitutional; consequently, I vetoed it.

In establishing the Virginia Virtual School outside of the jurisdiction of the Board of Education, and most importantly, local school boards, this legislation raises significant constitutional concerns.

Students throughout Virginia need and deserve access to a wide variety of high quality virtual learning opportunities, including both blended and full-time options. Following my 2016 veto of HB 8, the Secretary of Education and Virginia Department of Education convened a workgroup composed of a broad range of stakeholders to explore alternative policy proposals to expand access for students. The workgroup's recommendations formed the basis of new legislation, proposed this year at my request, which would have expanded access for students in every corner of the Commonwealth. This would be accomplished within a constitutionally-sound governance model that provided flexibility for local school divisions and maximized necessary supports for enrolled students.

It is unfortunate that despite this alternative proposal, the legislature instead chose to send me unconstitutional legislation nearly identical to that which I vetoed last year.

HB 1400 would create a new state agency outside the constitutional framework governing school divisions and boards.”

HB 1428. Absentee voting; photo identification required with application. The enrolled bill requires any voter submitting an application for an absentee ballot by mail or by electronic or telephonic transmission to a facsimile device to submit with his application a copy of one of the forms of identification acceptable under current law. The bill exempts military and overseas voters and persons with a disability from this requirement. SB 872, which is identical as enrolled, has the same Governor's veto explanation. The Governor's veto explanation states:

“Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 1428, which requires photo identification for any voter seeking absentee ballots by mail, telephonic or electronic transmission.

This bill remains substantively unchanged from a bill that I vetoed in 2015. The bill imposes barriers on an eligible voter's ability to obtain and cast an absentee ballot. The requirement would not in any way deter fraudulent voting since it provides no means of verifying the identity of the individual depicted in the submitted photograph.

The right to vote is a fundamental tenet of our democracy, and we should be doing all we can to facilitate eligible citizens' access to the ballot. This bill would undoubtedly result in the disenfranchisement of qualified eligible Virginian voters and increase the potential for costly and time-consuming litigation.”

HB 1432. Carrying a switchblade knife; exception. The enrolled bill authorizes any person to carry a switchblade knife concealed when such knife is carried for the purpose of engaging in a lawful profession or lawful recreational activity the performance of which is aided by the use of a switchblade knife. The bill removes switchblade knives from the list of weapons the selling, bartering, giving, or furnishing of which is a Class 4 misdemeanor. SB 1347, which is identical as enrolled, has the same Governor's veto explanation. The Governor's veto explanation states:

“Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 1432, which legalizes the carrying of a concealed switchblade knife when it is carried for the purpose of

engaging in a lawful profession or lawful recreational activity the performance of which is aided by the knife. This bill also legalizes the sale, bartering, giving or furnishing of switchblade knives.

Virginia Code does not define ‘lawful profession’ or ‘recreational activity.’ This modification will create a burden on law enforcement to determine whether a person is engaged in a lawful profession or recreational activity. The enforcement of this law would be challenging at best.

There is no compelling need to add to the list of weapons that can be lawfully concealed from public view and easily traded. Legalizing the concealed carry of switchblade knives would needlessly endanger the lives of Virginians. Furthermore, the laws of the United States prohibit the manufacture, transportation or distribution of switchblade knives.”

HB 1468. Compliance with detainers; U.S. Immigration and Customs Enforcement. The enrolled bill prohibits the Director of the Department of Corrections, sheriff, or other official in charge of a facility in which an alien is incarcerated from releasing an incarcerated alien for whom a lawful detainer order has been received from U.S. Immigration and Customs Enforcement, except to transfer custody of such alien to another facility or to an appropriate federal authority. The bill provides that no alien shall be held in custody in excess of his scheduled release date unless federal law requires that such alien be held. The Governor’s veto explanation states:

“Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 1468. This bill would prohibit the release of certain persons, held by state or local officials, who are suspected of violating U.S. immigration laws. House Bill 1468 is virtually identical to House Bill 481 (2016), which I vetoed last year. My concerns about this proposal have only increased since that time.

First, this bill is unnecessary. The Commonwealth’s law enforcement authorities currently work closely with their Federal counterparts regarding immigrants held in state and local correctional facilities. Imposing the requirements of House Bill 1468 on local sheriffs and jail administrators could inject confusion into this relationship, leading to less effective public safety efforts.

Second, I am concerned about the message this bill conveys. This is just one of a series of anti-immigrant measures which have contributed to contention here in Virginia and nationwide. A year ago, in vetoing House Bill 1468’s predecessor, I said, ‘Rather than stoking irrational fears of non-citizens present in the Commonwealth, the General Assembly should be focused on substantive policies to improve public safety in Virginia.’ This concern is even more valid today.”

HB 1578. Students who receive home instruction; participation in interscholastic programs. The enrolled bill prohibits public schools from joining an organization governing interscholastic programs that does not deem eligible for participation a student who (i) receives home instruction; (ii) has demonstrated evidence of progress for two consecutive academic years; (iii) is in compliance with immunization requirements; (iv) is entitled to free tuition in a public school; (v) has not reached the age of 19 by August 1 of the current academic year; (vi) is an amateur who receives no compensation but participates solely for the educational, physical, mental, and social benefits of the activity; (vii) complies with all disciplinary rules and is subject to all codes of conduct applicable to all public high school athletes; and (viii) complies with all other rules governing awards, all-star games, maximum consecutive semesters of high school enrollment, parental consents, physical examinations, and transfers applicable to all high school

athletes. The bill provides that no local school board is required to establish a policy to permit students who receive home instruction to participate in interscholastic programs. The bill permits reasonable fees to be charged to students who receive home instruction to cover the costs of participation in such interscholastic programs, including the costs of additional insurance, uniforms, and equipment. The bill has an expiration date of July 1, 2022. The Governor's veto explanation states:

“Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 1578, which prohibits public schools from joining any organization governing interscholastic programs that does not allow home-schooled students to participate. More than 300 public schools belong to the Virginia High School League (VHSL), an organization through which member schools have regulated interscholastic competition since 1913. Each year over 200,000 public school students, who satisfy the VHSL's 13 individual eligibility requirements, participate in one or more of the league's 27 sports and 11 academic activities.

Allowing home-schooled students to participate in interscholastic competitions would disrupt the level playing field Virginia's public schools have developed over the past century. While the bill provides that home-schooled students must demonstrate evidence of progress in order to participate in interscholastic activities, the unique nature of their educational situation precludes conformity to the same standards.

Virginia's public schools provide a complete package of scholastic offerings and access to extracurricular activities. Participation in athletic and academic competitions is a privilege for students who satisfy eligibility requirements. Opening participation in those competitions to individuals who are not required to satisfy the same criteria codifies academic inequality in interscholastic competition.”

HB 1582. Concealed handgun permits; age requirement for persons on active military duty. The enrolled bill allows a person at least 18 years of age but less than 21 years of age to apply for a concealed handgun permit if he is on active military duty or has received an honorable discharge from the United States Armed Forces or the Virginia National Guard and has completed basic training as a part of his military service. The bill allows reciprocity under the same circumstances for a nonresident who carries a concealed handgun or weapons permit recognized in the Commonwealth. Current law requires that residents and nonresidents be at least 21 years of age to carry a concealed handgun. The Governor's veto explanation states:

“Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 1582. The bill would allow any person 18 years of age or older and on active military duty or honorably discharged from the United States Armed Forces or the Virginia National Guard who has completed basic training to apply for a concealed handgun permit.

Contrary to the assumption of House Bill 1582, weapons familiarization training as a component of an individual's military basic training does not qualify that individual to carry weapons in follow-on service. Under the bill, an individual who has completed basic training but who subsequently was disqualified (for medical or other reasons) from having access to weapons could nevertheless apply for a concealed handgun permit.

My concerns about the bill are in no way a reflection of my respect and support for the brave young men and women who serve our nation in uniform. I have made this decision to veto this bill after consultation with military leadership, including Secretary of Veterans and Defense Affairs Admiral John Harvey, USN (Ret), who dealt with this issue extensively throughout his

39-year career in our Navy. House Bill 1582 reflects an incomplete understanding of weapons qualification practices within our military and is an unwarranted expansion in the number of people allowed to carry handguns in the Commonwealth. It would do nothing to protect the safety of our citizens.”

HB 1596. Virginia Public Procurement Act; public works contracts; prevailing wage provisions. The enrolled bill prohibits state agencies from requiring bidders, offerors, contractors, or subcontractors to pay, or require the payment of, wages, salaries, benefits, or other remuneration to persons employed to perform services in connection with a public works project at a rate that is based on the wages and benefits prevailing for the corresponding classes of laborers and mechanics employed. A corresponding prohibition is made applicable to state agencies providing grants or other financial assistance for public works projects, unless otherwise required under federal law. The bill further states that it is the policy of the Commonwealth not to implement, adopt, enforce, or require any program, policy, or provision that requires a public works contract that requires the payment of wages or other remuneration at a rate based on the prevailing wage, whether modeled on the federal Davis-Bacon Act or similar state law. The Governor’s veto explanation states:

“Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 1596, which would prohibit a state agency from requiring a bidder, contractor, or subcontractor from performing services at rates based on prevailing wages and benefits.

Projects and employers who adhere to prevailing wage standards improve the lives of working families and enrich their communities. This legislation would have the effect of lowering wages and impeding the conclusion of future labor agreements. Virginia’s efforts should be focused on increasing wages, which will fortify our efforts to build a new Virginia economy, rather than placing artificial restrictions on future growth.”

HB 1605. Parental Choice Education Savings Account established. The enrolled bill permits the parent of a public preschool, elementary, or secondary school student who meets certain criteria to apply to the school division in which the student resides for a one-year, renewable Parental Choice Education Savings Account that consists of an amount that is equivalent to a certain percentage of all applicable annual Standards of Quality per pupil state funds appropriated for public school purposes and apportioned to the resident school division in which the student resides, including the per pupil share of state sales tax funding in basic aid and any state per pupil share of special education funding to which the student is eligible. The bill permits the parent to use the moneys in such account for certain education-related expenses of the student, including tuition, deposits, fees, and required textbooks at a private, sectarian or nonsectarian elementary or secondary school or preschool that is located in the Commonwealth and does not discriminate on the basis of race, color, or national origin. The bill also contains provisions relating to auditing, rescinding, and reviewing expenses made from such accounts. The bill contains a reenactment clause. The Governor’s veto explanation states:

“Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 1605. This bill would divert state funds from our public school systems and redirect those funds to ‘Parental Choice Education Savings Accounts’ to pay for educational services outside the public school system. The bill is similar in purpose to HB 389 (2016), which I vetoed. Nothing in HB 1605 addresses the earlier measure’s fundamental infirmities.

First and foremost, this legislation raises significant constitutional concerns. Tuition at private sectarian institutions would be an approved expense. This places the legislation in direct conflict with Article VIII, Section 10, of the Virginia Constitution, which authorizes the use of public funds only for public and nonsectarian private schools.

In requiring local school divisions to transfer the bulk of a qualified student's state SOQ funding to an outside 'Education Savings Account,' the bill would deprive those schools of critically-needed resources.

Additionally, the funds that would be withdrawn from the public system bear no relationship to the cost of the private education to be provided. Since the bill requires only state funding to be transferred, the amount received by eligible families would vary widely, depending on which locality a student is from.

Finally, it should be noted that the bill lacks accountability standards for participating schools. There thus is no assurance that these state funds will be used to provide students high quality education.

House Bill 1605 raises constitutional concerns, diverts funds from public schools, and creates an inequitable system across different school divisions. It fails to support the goal of using state resources to strengthen and improve public education throughout the Commonwealth."

HB 1753. Prohibit certain local government practices that would require contractors to provide certain compensation or benefits. The enrolled bill prohibits local governing bodies from establishing provisions related to procurement of goods, professional services, or construction that would require a wage floor or any other employee benefit or compensation above what is otherwise required by state or federal law to be provided by a contractor to one or more of the contractor's employees as part of a contract with the locality. The prohibition shall not affect contracts between a locality and another party that were executed prior to January 1, 2018, or the renewal or future rebids of services thereof. The bill provides that localities shall not be prohibited from entering into contracts for economic development incentives in which the company receiving the incentives is required to maintain a certain stated wage level for its employees. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 1753, which would prohibit a local government from requiring that its contractors have a wage floor or other benefit above what is required by state or federal law.

In recent years, several local governments have required contractors to pay certain wage levels in contracts with localities. These initiatives have provided access to qualified, high-skilled workers and contractors and successfully addressed significant cost-of-living and workforce disparities in these localities.

The ability of other local governments to make this choice should be supported, not limited. Decisions regarding municipal contracts should be made by local leaders who fully understand local needs, and the needs of their workforce."

HB 1790. Administrative Process Act; development and periodic review of regulations; report. The enrolled bill requires agencies to develop regulations in the least burdensome and intrusive manner possible and provides guiding principles for the development, adoption, and repeal of regulations. The bill also requires each agency to establish a schedule over a 10-year period for the review of all regulations for which the agency is the primary responsible agency.

The schedule shall provide for the annual review of at least 10 percent of an agency's regulations by July 1 of each year. Under the bill, the Governor will submit an annual report containing the findings of the regulation reviews by August 1 of each year to the chairmen of the standing committees of the House of Delegates and the Senate. the Governor's veto explanation states:

“Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 1790, which would revamp Virginia's current requirement that agencies review all existing regulations to determine whether they continue to be effective and necessary.

The current process for review of regulations is robust. Independent citizen boards generally approve them. The Office of the Attorney General reviews them. The Department of Planning and Budget reviews them, including development of an economic impact analysis. A cabinet secretary and the Governor review them. They go through multiple rounds of public comment, open to any and all interested parties. And, the Joint Commission on Administrative Rules has authority to opine on any regulation under consideration.

That there are too many regulations is a straw man that is not borne out by the facts. But even accepting that there is a problem with over-regulation in Virginia, House Bill 1790 would simply require more paperwork in an effort to identify paperwork that should be eliminated. This approach would only add costs without benefit— the very type of policy this bill seeks to avoid.”

HB 1836. Virginia Department of Transportation to maintain a certain segment of Spotsylvania Parkway beginning in 2020. The enrolled bill requires the Virginia Department of Transportation, as of July 1, 2020, to take over maintenance of an approximately two-mile segment of Spotsylvania Parkway that is currently maintained pursuant to a 2005 “Easement and Cost Sharing Agreement” unless the homeowners association that is party to such cost-sharing agreement and Spotsylvania County reach a new road maintenance agreement prior to July 1, 2020. The Governor's veto explanation states:

“Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 1836. This bill violates the Virginia Constitution by impairing existing agreements and arrangements among Spotsylvania County, Homeowners Associations, developers, and VDOT. It also would entail the assumption of obligations of a private party by the Commonwealth. I encourage the interested parties to resolve this issue at the local level.”

HB 1852. Carrying concealed handguns; protective orders. The enrolled bill authorizes any person 21 years of age or older who is not prohibited from purchasing, possessing, or transporting a firearm and is protected by an unexpired protective order to carry a concealed handgun for 45 days after the protective order was issued. The bill provides that if the person issued the protective order applies for a concealed handgun permit during such 45-day period, such person will be authorized to carry a concealed handgun for an additional 45 days and be given a copy of the certified application, which shall serve as a de facto concealed handgun permit. The bill requires such person to have the order or certified application and photo identification on his person when carrying a concealed handgun and to display them upon demand by a law-enforcement officer; failure to do so is punishable by a \$25 civil penalty. SB 1299, which is identical as enrolled, has the same Governor's veto explanation. The Governor's veto explanation states:

“Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 1852, which would provide that for a period of 45 days after the issuance of a protective order the individual seeking the protective order may lawfully carry a concealed weapon. This bill would eliminate

the application and training requirements associated with concealed handgun permits and allow petitioners to carry a concealed weapon immediately upon the issuance of any protective order. It is identical to House Bill 766/Senate Bill 626 (2016), which I vetoed.

The bill perpetuates the dangerous fiction that the victims of domestic violence will be safer by arming themselves. It would inject firearms into a volatile domestic violence situation, making that situation less safe, not more.

In 2014, there were 112 family and intimate-partner related homicides in Virginia. Sixty-six of those deaths were with a firearm. I will not allow this bill to become law when too many Virginia women have already fallen victim to firearms violence at the hands of their intimate partner.”

HB 1853. Victims of domestic violence, etc.; firearms safety or training course. The enrolled bill creates the Virginia Firearms Safety and Training for Sexual and Domestic Violence Victims Fund. The bill provides that the Department of Criminal Justice Services may distribute funds from the Fund to reimburse an entity that offers a firearms safety or training course or class approved by the Department free of charge to victims of domestic violence, sexual abuse, stalking, or family abuse. The Department would not be permitted to issue reimbursements in excess of the amount available in the Fund. The bill also requires that, upon the issuance of a protective order, the petitioner for the order be provided with a list of such approved courses or classes. SB 1300, which is identical as enrolled, has the same Governor’s veto explanation. The Governor’s veto explanation states:

“Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 1853, which requires courts to provide petitioners of certain protective orders with a list of firearms safety or training courses or classes. The bill directs the Department of Criminal Justice Services to approve these training courses and classes, and to publish and disseminate a list of providers.

This bill promotes the theory that the answer to domestic violence is the threat of greater, more lethal violence. Encouraging victims to arm themselves contradicts research which suggests that such a policy is more likely to result in tragedy than to prevent it. Facilitating the introduction of firearms into a volatile situation of domestic violence makes Virginia less safe, not more.”

HB 2000. Sanctuary policies prohibited. The enrolled bill provides that no locality shall adopt any ordinance, procedure, or policy that restricts the enforcement of federal immigration laws. The Governor’s veto explanation states:

“Pursuant to Article V, Section 6, of the Constitution of Virginia, and after consulting with law enforcement, I veto House Bill 2000, which imposes an unnecessary and divisive requirement upon localities regarding the enforcement of federal immigration laws.

This legislation does nothing more than send a hostile message to immigrant communities across the Commonwealth. While House Bill 2000 operates under the false guise of public safety, the Supremacy Clause of the United States Constitution already ensures that a state or local government may not override federal immigration laws. The practical effect of this legislation is to send an anti-immigration message that must be viewed in the larger context of discussions occurring at the national level today.

Localities have the right to determine whether or not to expend the resources and voluntarily enter into an agreement with the United States Immigration and Customs Enforcement agency. Police divisions across the Commonwealth have a long tradition of engaging in community

policing strategies, and many have determined that it is more important to develop a relationship with immigrant communities in order to keep all of those who live within the locality safe.

Rather than sowing division within our communities, we should be pursuing policies that are open and welcoming as we work to build the new Virginia economy. Legislation like House Bill 2000 promotes an anti-immigrant message that serves the opposite purpose, and job creators will look elsewhere when determining whether to do business in our Commonwealth.”

HB 2002. Department of Social Services; refugee and immigrant resettlements; report. The enrolled bill requires nonprofit resettlement agencies and their local affiliates that provide refugee or other immigrant resettlement services in the Commonwealth to annually report to the Department of Social Services nonidentifying information regarding (i) the total number of individuals resettled in Virginia by such nonprofit resettlement agency or affiliate; (ii) the locality in which each individual was placed; (iii) the age, gender, and national origin of each individual; and (iv) whether each individual was placed through the U.S. Refugee Resettlement Program and, if so, the eligibility status of such individuals. The bill requires the Department to collate and annually submit such information to the Governor and the General Assembly. The Governor’s veto explanation states:

“Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 2002, which requires the Department of Social Services to publish a report consisting of individually identifiable information for each refugee who is resettled in the Commonwealth.

Many individuals and families placed in Virginia through the U.S. Refugee Resettlement Program are fleeing governmental oppression, persecution, and violence. Many leave their countries because they are targeted by their home country’s government, often for helping to further American interests. Disclosing such information in this political climate not only sends a message of discrimination and fear, but it also poses a real danger to many of our newest Virginians.

Refugees are in the United States legally. They undergo a more rigorous screening process than anyone else allowed into the United States. Creating a publicly available list of these individuals would send a message of exclusion to people looking for the chance to rebuild their lives free of tyranny and oppression.

Resettlement programs in Virginia already engage in regular community dialogues to discuss refugee and community needs. House Bill 2002 would create an unnecessary burden for already overworked nonprofit organizations and would limit these organizations’ ability to accomplish their mission of safely settling refugees in the Commonwealth.

As Virginians, we know the many benefits and contributions that refugees bring to our communities and Virginia’s economy. House Bill 2002 sets us on the wrong path. It does not reflect Virginia’s values.”

HB 2025. Religious freedom; solemnization of marriage. The enrolled bill provides that no person shall be (i) required to participate in the solemnization of any marriage or (ii) subject to any penalty by the Commonwealth, or its political subdivisions or representatives or agents, solely on account of such person’s belief, speech, or action in accordance with a sincerely held religious belief or moral conviction that marriage is or should be recognized as the union of one man and one woman. The bill defines ‘person’ as any (a) religious organization; (b) organization supervised by or controlled by or operated in connection with a religious organization; (c) individual employed by a religious organization while acting in the scope of his paid or volunteer

employment; (d) successor, representative, agent, agency, or instrumentality of any of the foregoing; or (e) clergy member or minister. The bill also defines ‘penalty.’ SB 1324, which is identical as enrolled, has the same Governor’s veto explanation. The Governor’s veto explanation states:

“Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 2025, which would shield from civil liability those who actively discriminate against same-sex couples. I vetoed this exact same bill last year, and my rationale for that veto remains the same.

Although couched as a ‘religious freedom’ bill, this legislation is nothing more than an attempt to stigmatize. Any legitimate protections afforded by House Bill 2025 are duplicative of the first Amendment to the Constitution of the United States; Article I, Section 11 of the Constitution of Virginia; and the Virginia Religious Freedom Restoration Act. Any additional protections are styled in a manner that prefers one religious viewpoint—that marriage can only validly exist between a man and a woman—over all other viewpoints. Such a dynamic is not only unconstitutional, it equates to discrimination under the guise of religious freedom.

This legislation is also bad for business and creates roadblocks as we try to build the new Virginia economy. Businesses and job creators do not want to locate or do business in states that appear more concerned with demonizing people than with creating a strong business climate. Legislation that immunizes the discriminatory actions of certain people and institutions at the expense of same-sex couples would damage Virginia’s reputation for commonsense, pro-business government. We need only look at the damage these types of laws are doing in other states to understand the harm this bill could bring to our Commonwealth and its economy.

We should be pursuing policies to make Virginia a more vibrant and welcoming place to live, work, and raise a family. House Bill 2025 would accomplish the opposite by making Virginia unwelcome to same-sex couples, while artificially engendering a sense of fear and persecution among our religious communities.”

HB 2077. Emergency Services and Disaster Law of 2000; firearms; emergency shelter. The enrolled bill removes the authority of a governmental entity under the Emergency Services and Disaster Law of 2000 to limit lawful possession, carrying, transportation, sale, or transfer of firearms in any place or facility used by the governmental entity as an emergency shelter. The Governor’s veto explanation states:

“Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 2077, which eliminates the authority of governmental entities to prohibit firearms in all shelters used during states of emergency.

These shelters provide services including food, housing, health care, and emotional support to people seeking aid during a disaster. Typically in large-scale disasters such as hurricanes, floods, and tornadoes, the sheltering operations of organizations such as the American Red Cross (which has voiced its opposition to House Bill 2077) take place in schools, community centers, stadiums, and even churches, in which many huddle together in close quarters.

These shelters are a place where people take refuge from danger and where Virginians come together to lend a helping hand to others. The practical effect of injecting guns into the high-stress environment of an emergency shelter would endanger vulnerable families (including young children), not to mention the staff and volunteers whose job it is to provide assistance and keep order. Accommodating firearms through House Bill 2077 also would require the diversion of law enforcement personnel from vital emergency management operations. Moreover, to push

gun politics into this atmosphere of community is insulting to the very spirit of charity that Virginians show time and time again in disasters.

As Governor, my highest responsibility is to ensure public safety. House Bill 2077 runs exactly counter to that goal.”

HB 2092. Application for public assistance; eligibility; review of records. The enrolled bill requires entities processing applications for medical assistance and other public assistance to conduct a review of death records and records relating to incarceration status, employment status, and income of the applicant to determine whether the applicant is eligible for assistance and to review the records of the Virginia Lottery to determine whether the applicant has received any winnings from the Virginia Lottery that may constitute income or resources for purposes of determining eligibility for medical assistance or public assistance. The bill also requires the Department of Social Services to report annually on the types and sources of information reviewed in verifying eligibility and the number of applications for public assistance approved, denied, or referred for investigation. The Governor’s veto explanation states:

“Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 2092, which adds costly, time-consuming, and unnecessary steps when the Department of Social Services evaluates an applicant’s eligibility for public assistance. While I strongly support the policy goal of maintaining the integrity of the Commonwealth’s public assistance programs, this bill is ill-conceived and a diversion of limited state resources.

This bill requires the Department of Social Services to obtain information from the Social Security Administration, the Virginia Employment commission, and the Internal Revenue Service, which the Department already does. However, this bill also requires the Department to obtain an entire criminal history for each applicant. A full criminal history is not required under federal law for public assistance programs and is a poor use of public resources.

This bill also requires the Department of Social Services to review Virginia Lottery records to determine if applicants received lottery winnings that would disqualify them from eligibility. Applicants are already required to report all sources of income and resources pursuant to program rules. The Department already has the ability to electronically verify the assets of applicants through data exchange with banks. Spending additional state resources prior to better determining whether the cost exceeds the benefit is a misguided use of state resources.

As Governor, ensuring the integrity of all state programs and services is a top priority. However, House Bill 2092 sets us on the wrong path. It does not reflect Virginia’s values.”

HB 2191. School boards; procedures; sexually explicit instructional materials or related academic activities. The enrolled bill requires each school board’s procedures for handling challenged controversial instructional materials to include procedures for (i) annually notifying the parent of any student enrolled in a course in which the instructional materials or related academic activities may include sexually explicit content of the potential for such sexually explicit content in such course and (ii) providing, as a replacement for instructional materials or related academic activities that include sexually explicit content, nonexplicit instructional materials or related academic activities to any student whose parent so requests. The bill defines ‘sexually explicit content’ as content that involves any criminal sexual assault defined and punishable as a felony under Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2 of the Code of Virginia or any act defined and punishable as a felony under § 18.2-361. The Governor’s veto explanation states:

“Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 2191. This bill would require schools to notify parents if their child is enrolled in a course in which the instructional materials or related academic activities include sexually explicit content or the potential for sexually explicit content. The legislation would also require teachers to provide alternative instructional materials if requested by a parent.

The Virginia Administrative Code specifies that ‘Local school boards shall be responsible for the selection and utilization of instructional materials.’ The same section of the Administrative Code requires each local school board to have policies in place enabling parents to inspect all instructional materials and to challenge the inclusion of materials that might be considered ‘sensitive or controversial,’ for any reason.

The Virginia Board of Education has examined this issue in recent years. In doing so, the Board engaged in lengthy and substantive conversations with school boards, teachers, parents and students. At the conclusion of its inquiry, the Board determined that existing state policy regarding sensitive or controversial instructional material is sufficient and that additional action would be unnecessarily burdensome on the instructional process.

Because the Board of Education considered this issue in a broader and more complete context and deemed existing policies to be adequate, I believe House Bill 2191 is unwarranted.”

HB 2198. Coal tax credits. The enrolled bill reinstates the Virginia coal employment and production incentive tax credit. The credit, which expired on July 1, 2016, could be earned on and after January 1, 2017, but before January 1, 2022. The bill limits the aggregate amount of credits that may be allocated or claimed for the coal employment and production incentive tax credit in each fiscal year to \$7.3 million. An electricity generator must file an application with the Department of Taxation each year to determine the amount of credits that it may claim or allocate, including credits earned in prior taxable years. If the total amount of credits earned in a taxable year exceeds \$7.3 million, the Department of Taxation shall apportion the credits on a pro rata basis. The bill also extends the sunset date of the coalfield employment enhancement tax credit through taxable years beginning before January 1, 2022. SB 1470, which is identical as enrolled, has the same Governor’s veto explanation. The Governor’s veto explanation states:

“Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 2198, which would reinstate the coal employment and production incentive tax credit and extend the allowance of the coalfield employment enhancement tax credit without meaningful reform.

As I stated last year when I vetoed similar legislation, I work tirelessly to build a new Virginia economy and ensure that the Commonwealth is the best place to live, work, and run a business. Making the most effective use of every dollar taxpayers entrust to their government is an essential part of that effort.

In January 2012, the Joint Legislative Audit and Review Commission (JLARC) published its final report, Review of the Effectiveness of Virginia Tax Preference, Senate Document No. 4. That report established that the coal tax credits were intended to slow the decline of coal production and employment. Instead, JLARC found that the decline of coal production and employment was the same or even faster than was predicted before the credits were created. JLARC’s report concluded that the economic activity had not moved in the desired direction and that the credits had not achieved their goal.

Specifically, from 1988 until 2016, coal mine operators, electricity generators, and other-coal related companies have claimed over \$637 million in tax credits. However, during the same

period, the number of coal miners in Virginia has declined from 11,106 to 2,483. It would be unwise to spend additional taxpayer dollars on a tax credit that has fallen so short of its intended effectiveness.

Given the findings of the JLARC study and the lack of meaningful reform, including in this year's legislative session, I believe it would be inappropriate to sign this legislation."

HB 2207. Food stamp program; excessive requests for replacement of electronic benefit transfer card. The enrolled bill requires the Department of Social Services (the Department) to monitor all requests for replacement of electronic benefit transfer (EBT) cards issued to food stamp program recipients. The bill provides that a request for replacement of an EBT card shall be deemed excessive if a food stamp program recipient or a member of his household has made four such requests within 12 months prior to the request. The bill requires the Department, upon receipt of a fourth request for replacement of an EBT card within a 12-month period, to give written notice to the recipient household that it has reached the threshold allowance for replacement requests, its account is being monitored for suspicious activity, and future replacement requests will require contact with the Department to provide an explanation before a replacement card will be issued. The bill requires the Department, upon receipt of a fifth replacement request within a 12-month period, to give written notice to the recipient household that it has exceeded the threshold allowance for replacement requests and that the replacement EBT card is being withheld until the household contacts the Department to provide an explanation for the high volume of replacement requests. The bill provides the terms under which a replacement card will be issued or withheld, delineates factors that require the Department to investigate excessive card replacement requests, and sets forth requirements for notices sent under the provisions of the bill. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 2207, which would impose needless additional bureaucratic requirements on the administration of nutrition assistance by the Department of Social Services.

For many vulnerable Virginia families, the federal funded Supplemental Nutrition Assistance Program (SNAP) is the only means of affording healthy food. As a federal program, SNAP has its own eligibility requirements. House Bill 2207 would unnecessarily add to those requirements, to the detriment of the Virginians the program is designed to help, and impede efforts to administer the program efficiently.

Throughout my term as Governor, the First Lady has shown tremendous leadership in working with the members of the General Assembly to increase children's and families' access to healthy, nutritious food in school and at home. This bill would be a step backwards in our collective efforts to ensure that everyone has the food they need to learn, thrive, and contribute towards building the New Virginia Economy."

HB 2342. Public schools; regional charter school divisions. The enrolled bill authorizes the Board of Education (the Board) to establish regional charter school divisions consisting of at least two but not more than three existing school divisions in regions in which each underlying school division has an enrollment of more than 3,000 students and one or more schools that have accreditation denied status for two out of the past three years. The bill requires such regional charter school divisions to be supervised by a school board that consists of eight members appointed by the Board and one member appointed by the localities of each of the underlying divisions. The bill authorizes the school board, after a review by the Board, to review and

approve public charter school applications in the regional charter school divisions and to contract with the applicant. The bill requires that the state share of Standards of Quality per pupil funding of the underlying school district in which the student resides be transferred to such school. SB 1283, which is identical as enrolled, has the same Governor's veto explanation. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 2342. The bill would permit the Virginia Board of Education to create regional charter school divisions through which eligible school divisions could establish regional charter schools. Additionally, it would permit the state's share of the student's Standards of Quality funding to be diverted from the local school division to the regional charter school.

In establishing regional governing school boards that remove authority from local school boards and their members, this legislation proposes a governance model that is in conflict with the Constitution of Virginia. Public charter school arrangements are already available to divisions at the discretion of the local school board, which makes the ultimate decisions about the establishment, renewal and dissolution of charter schools within its division.

We should always consider new and innovative ways to provide a world class education to all of our students, but this particular governance framework is not viable within the parameters of Virginia's constitutional structure."

HB 2343. Voter registration list maintenance; voters identified as having duplicate registrations. The enrolled bill requires the Department of Elections to provide to the general registrars a list of registered voters who have been found through list comparisons and data-matching exchanges with other states to be registered in another state. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 2343. Requiring the Department of Elections to provide lists of certain voters who may have moved to localities after the Department has conducted list maintenance activities in compliance with state and federal law increases the administrative burden on localities which are currently struggling with limited resources.

By providing 133 individual general registrars with lists of certain voters and no clear instructions, this bill would invite confusion and increase the possibility of violating federal law. Moreover, it would expose eligible and properly registered Virginians to the risk of improper disenfranchisement.

The Commonwealth's proven and efficient methods of list maintenance serve as a national model. We should focus on improving this system rather than needlessly increasing administrative burdens."

HB 2411. Health insurance; reinstating pre-Affordable Care Act provisions. The enrolled bill repeals provisions that were added, and restores provisions that were amended or repealed, by the General Assembly since 2011 in efforts to bring the laws of the Commonwealth in conformity with requirements of the federal Patient Protection and Affordable Care Act. The bill will become effective on the later of July 1, 2017, or the effective date of federal legislation repealing the Act. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia of Virginia, I veto House Bill 2411, which would undo provisions passed by the General Assembly since 2011, to bring the

laws of the Commonwealth into conformity with requirements of the federal Patient Protection and Affordable Care Act.

The PPACA has improved health care access for thousands of Virginians. Nearly 400,000 Virginians have been able to purchase health insurance through the federal Marketplace, and more than 80 percent of them have received federal tax subsidies to help them pay for it.

The PPACA included a long list of other provisions that have helped Virginians access physical and behavioral care.

Congressional action to repeal the PPACA has not yet taken place, and its future is uncertain. Congressional proposals to replace the PPACA with alternative health legislation have so far yielded mixed reaction among lawmakers, including many Republicans, and near universal opposition from doctors, hospitals and numerous advocacy groups.

It is premature to sign such legislation, given the uncertainty at the federal level and the ongoing need for better access to health care that exists in Virginia.”

SB 865. Furnishing certain weapons to minor; exemption. The enrolled bill exempts the transfer of a dirk, switchblade knife, or bowie knife between family members or for the purpose of engaging in a sporting event or activity from the current prohibition against selling, bartering, giving, or furnishing such weapons to a minor. The Governor’s veto explanation states:

“Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto Senate Bill 865, which would provide an exemption to the prohibition against furnishing specified types of knives to minors. Under the bill, such a transfer would be permissible if between family members or ‘for the purpose of engaging in a sporting event or activity.’ The term ‘sporting event or activity’ is undefined.

Encouraging minors to possess weapons that can be used to maim, injure or cause death is contrary to the welfare of our youth and Commonwealth. Senate Bill 865 also would pose difficulties for law enforcement, in that there would be no way for a law enforcement officer to determine whether a minor met the criteria of the bill’s exceptions and thus was lawfully in possession of such a weapon.”

SB 872. Absentee voting; photo identification required with application. The enrolled bill requires any voter submitting an application for an absentee ballot by mail or by electronic or telephonic transmission to a facsimile device to submit with his application a copy of one of the forms of identification acceptable under current law. The bill exempts military and overseas voters and persons with a disability from this requirement. HB 1428, which is identical as enrolled, has the same Governor’s veto explanation. The Governor’s veto explanation states:

“Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto Senate Bill 872, which requires photo identification for any voter seeking absentee ballots by mail, telephonic or electronic transmission.

This bill remains substantively unchanged from a bill that I vetoed in 2015. The bill imposes barriers on an eligible voter’s ability to obtain and cast an absentee ballot. The requirement would not in any way deter fraudulent voting since it provides no means of verifying the identity of the individual depicted in the submitted photograph.

The right to vote is a fundamental tenet of our democracy, and we should be doing all we can to facilitate eligible citizens’ access to the ballot. This bill would undoubtedly result in the

disenfranchisement of qualified eligible Virginian voters and increase the potential for costly and time-consuming litigation.”

SB 1105. Reports of registered voters and persons voting at elections. The enrolled bill requires the local electoral boards to direct the general registrars to investigate the list of registered voters whenever the number of registered voters in a county or city exceeds the population of persons age 18 years or older, based on the most recent population estimate of the Weldon Cooper Center for Public Service of the University of Virginia. The bill also requires the local electoral boards to direct the general registrars to investigate the list of persons voting at an election whenever the number of persons voting at any election in a county or city exceeds the number of persons registered to vote in that county or city. The Department of Elections is required to provide certain data to any general registrar conducting such an investigation for the registrar’s use during the investigation. The local electoral boards are required to make reports of the findings to the State Board. These reports are public documents. The Governor’s veto explanation states:

“Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto Senate Bill 1105, which would require local election officials to investigate voters under certain circumstances and provide a report to the State Board of Elections.

By requiring 133 individual general registrars to conduct an investigation of voters under undefined standards, this bill raises serious constitutional questions. It could expose eligible and properly registered Virginians to the risk of improper disenfranchisement.

Further, Senate Bill 1105 would increase the administrative burden on local election officials. Rather than imposing unnecessary investigative requirements on those officials, we should focus attention and resources on the Commonwealth’s proven and efficient methods of list maintenance, which serve as a national model.”

SB 1240. Virginia Virtual School established. The enrolled bill establishes the Board of the Virginia Virtual School (the Board) as a policy agency in the executive branch of state government for the purpose of governing the full-time virtual school programs offered to students enrolled in the Virginia Virtual School (the School). The Secretary of Education is responsible for such agency. The 14-member Board is given operational control of the School and assigned powers and duties. Beginning with the 2019-2020 school year, the bill requires the School to be open to any school-age person in the Commonwealth and to provide an educational program meeting the Standards of Quality for grades kindergarten through 12, with a maximum enrollment of 5,000 students statewide. The bill requires the average state share of Standards of Quality per pupil funding for each enrolled student to be transferred to the School. HB 1400, which is identical as enrolled, has the same Governor’s veto explanation. The Governor’s veto explanations states:

“Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto Senate Bill 1240, which would create a new executive branch agency known as the Virginia Virtual School. This entity, governed by an independent policy board, would facilitate the provision of full-time, online education programs for students throughout Virginia.

This bill is virtually identical to HB 8 (2016). The Office of the Attorney General advised that HB 8 was unconstitutional; consequently, I vetoed it.

In establishing the Virginia Virtual School outside of the jurisdiction of the Board of Education, and most importantly, local school boards, this legislation raises significant constitutional concerns.

Students throughout Virginia need and deserve access to a wide variety of high quality virtual learning opportunities, including both blended and full-time options. Following my 2016 veto of HB 8, the Secretary of Education and Virginia Department of Education convened a workgroup composed of a broad range of stakeholders to explore alternative policy proposals to expand access for students. The workgroup's recommendations formed the basis of new legislation, proposed this year at my request, which would have expanded access for students in every corner of the Commonwealth. This would be accomplished within a constitutionally-sound governance model that provided flexibility for local school divisions and maximized necessary supports for enrolled students.

It is unfortunate that despite this alternative proposal, the legislature instead chose to send me unconstitutional legislation nearly identical to that which I vetoed last year.

SB 1240 would create a new state agency outside the constitutional framework governing school divisions and boards.”

SB 1253. Voter identification; photograph contained in electronic pollbook. The enrolled bill requires electronic pollbooks to contain the photographs of registered voters that are obtained by the general registrars in the production of voter photo identification cards or contained in a voter's Department of Motor Vehicles record. The bill also provides that if the electronic pollbook contains the voter's photograph, the officer of election is required to access that photograph and the voter is not required to present one of the statutorily required forms of identification. The bill prohibits lists of voters furnished pursuant to current law from containing any voter's photograph. The bill has a delayed effective date of July 1, 2018. The Governor's veto explanation states:

“Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto Senate Bill 1253. This bill requires the state to make significant and costly changes to the existing voter registration database that will not improve election integrity. No funding is provided for localities to obtain and maintain equipment necessary or for the state to properly prepare for implementation. This bill will result in an unfunded mandate on localities, a waste of taxpayer money, and will increase voter confusion.

As Virginia already has one of the strictest voter photo ID laws in the country, the addition of photos from the Department of Motor Vehicles database to the pollbooks will have no effect on election integrity. Even if the state modifies the statewide voter registration list to include these photos, no funds have been allocated to localities to obtain and maintain equipment that includes photo download functionality. Further, by applying different photo ID requirements to different voters, this bill will increase voter confusion related to what identification is required to cast a regular ballot.

Senate Bill 1253 would require the state to expend a significant amount of money on unnecessary modifications to the statewide voter registration database without any benefit. To ensure the continued integrity of Virginia's elections, we should focus on ensuring that the Department of Elections has sufficient funds to continue its ongoing operations, including vigorous list maintenance activities and voter education outreach, to remain a nationally recognized leader in election administration.”

SB1283. Public schools; regional charter school divisions. The enrolled bill authorizes the Board of Education (the Board) to establish regional charter school divisions consisting of at least two but not more than three existing school divisions in regions in which each underlying school division has an enrollment of more than 3,000 students and one or more schools that have accreditation denied status for two out of the past three years. The bill requires such regional charter school divisions to be supervised by a school board that consists of eight members appointed by the Board and one member appointed by the localities of each of the underlying divisions. The bill authorizes the school board, after a review by the Board, to review and approve public charter school applications in the regional charter school divisions and to contract with the applicant. The bill requires that the state share of Standards of Quality per pupil funding of the underlying school district in which the student resides be transferred to such school. HB 2342, which is identical as enrolled, has the same Governor’s veto explanation. The Governor’s veto explanation states:

“Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto Senate Bill 1283. The bill would permit the Virginia Board of Education to create regional charter school divisions through which eligible school divisions could establish regional charter schools. Additionally, it would permit the state’s share of the student’s Standards of Quality funding to be diverted from the local school division to the regional charter school.

In establishing regional governing school boards that remove authority from local school boards and their members, this legislation proposes a governance model that is in conflict with the Constitution of Virginia. Public charter school arrangements are already available to divisions at the discretion of the local school board, which makes the ultimate decisions about the establishment, renewal and dissolution of charter schools within its division.

We should always consider new and innovative ways to provide a world class education to all of our students, but this particular governance framework is not viable within the parameters of Virginia’s constitutional structure.”

SB 1299. Carrying concealed handguns; protective orders. The enrolled bill authorizes any person 21 years of age or older who is not prohibited from purchasing, possessing, or transporting a firearm and is protected by an unexpired protective order to carry a concealed handgun for 45 days after the protective order was issued. The bill provides that if the person issued the protective order applies for a concealed handgun permit during such 45-day period, such person will be authorized to carry a concealed handgun for an additional 45 days and be given a copy of the certified application, which shall serve as a de facto concealed handgun permit. The bill requires such person to have the order or certified application and photo identification on his person when carrying a concealed handgun and to display them upon demand by a law-enforcement officer; failure to do so is punishable by a \$25 civil penalty. HB 1852, which is identical as enrolled, has the same Governor’s veto explanation. The Governor’s veto explanation states:

“Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto Senate Bill 1299, which would provide that for a period of 45 days after the issuance of a protective order the individual seeking the protective order may lawfully carry a concealed weapon. This bill would eliminate the application and training requirements associated with concealed handgun permits and allow petitioners to carry a concealed weapon immediately upon the issuance of any protective order. It is identical to House Bill 766/Senate Bill 626 (2016), which I vetoed.

The bill perpetuates the dangerous fiction that the victims of domestic violence will be safer by arming themselves. It would inject firearms into a volatile domestic violence situation, making that situation less safe, not more.

In 2014, there were 112 family and intimate-partner related homicides in Virginia. Sixty-six of those deaths were with a firearm. I will not allow this bill to become law when too many Virginia women have already fallen victim to firearms violence at the hands of their intimate partner.”

SB 1300. Victims of domestic violence, etc.; firearms safety or training course. The enrolled bill creates the Virginia Firearms Safety and Training for Sexual and Domestic Violence Victims Fund. The bill provides that the Department of Criminal Justice Services may distribute funds from the Fund to reimburse an entity that offers a firearms safety or training course or class approved by the Department free of charge to victims of domestic violence, sexual abuse, stalking, or family abuse. The Department would not be permitted to issue reimbursements in excess of the amount available in the Fund. The bill also requires that, upon the issuance of a protective order, the petitioner for the order be provided with a list of such approved courses or classes. HB 1853, which is identical as enrolled, has the same Governor’s veto explanation. The Governor’s veto explanation states:

“Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto Senate Bill 1300, which requires courts to provide petitioners of certain protective orders with a list of firearms safety or training courses or classes. The bill directs the Department of Criminal Justice Services to approve these training courses and classes, and to publish and disseminate a list of providers.

This bill promotes the theory that the answer to domestic violence is the threat of greater, more lethal violence. Encouraging victims to arm themselves contradicts research which suggests that such a policy is more likely to result in tragedy than to prevent it. Facilitating the introduction of firearms into a volatile situation of domestic violence makes Virginia less safe, not more.”

SB 1324. Religious freedom; solemnization of marriage. The enrolled bill provides that no person shall be (i) required to participate in the solemnization of any marriage or (ii) subject to any penalty by the Commonwealth, or its political subdivisions or representatives or agents, solely on account of such person’s belief, speech, or action in accordance with a sincerely held religious belief or moral conviction that marriage is or should be recognized as the union of one man and one woman. The bill defines “person” as any (a) religious organization; (b) organization supervised by or controlled by or operated in connection with a religious organization; (c) individual employed by a religious organization while acting in the scope of his paid or volunteer employment; (d) successor, representative, agent, agency, or instrumentality of any of the foregoing; or (e) clergy member or minister. The bill also defines “penalty.” HB 2025, which is identical as enrolled, has the same Governor’s veto explanation. The Governor’s veto explanation states:

“Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto Senate Bill 1324, which would shield from civil liability those who actively discriminate against same-sex couples. I vetoed this exact same bill last year, and my rationale for that veto remains the same.

Although couched as a ‘religious freedom’ bill, this legislation is nothing more than an attempt to stigmatize. Any legitimate protections afforded by Senate Bill 1324 are duplicative of the First Amendment to the Constitution of the United States; Article I, Section 11 of the Constitution of Virginia; and the Virginia Religious Freedom Restoration Act. Any additional protections are

styled in a manner that prefers one religious viewpoint—that marriage can only validly exist between a man and a woman—over all other viewpoints. Such a dynamic is not only unconstitutional, it equates to discrimination under the guise of religious freedom.

This legislation is also bad for business and created roadblocks as we try to build the new Virginia economy. Businesses and job creators do not want to locate or do business in states that appear more concerned with demonizing people than with creating a strong business climate. Legislation that immunizes the discriminatory actions of certain people and institutions at the expense of same-sex couples would damage Virginia’s reputation for commonsense, pro-business government. We need only look at the damage these types of laws are doing in other states to understand the harm this bill could bring to our Commonwealth and its economy.

We should be pursuing policies to make Virginia a more vibrant and welcoming place to live, work, and raise a family. Senate Bill 1324 would accomplish the opposite by making Virginia unwelcome to same-sex couples, while artificially engendering a sense of fear and persecution among our religious communities.”

SB 1347. Carrying a switchblade knife; exception. The enrolled bill authorizes any person to carry a switchblade knife concealed when such knife is carried for the purpose of engaging in a lawful profession or lawful recreational activity the performance of which is aided by the use of a switchblade knife. The bill removes switchblade knives from the list of weapons the selling, bartering, giving, or furnishing of which is a Class 4 misdemeanor. HB 1432, which is identical as enrolled, has the same Governor’s veto explanation. The Governor’s veto explanation states:

“Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto Senate Bill 1347, which legalizes the carrying of a concealed switchblade knife when it is carried for the purpose of engaging in a lawful profession or lawful recreational activity the performance of which is aided by the knife. This bill also legalizes the sale, bartering, giving or furnishing of switchblade knives.

Virginia Code does not define ‘lawful profession’ or ‘recreational activity.’ This modification will create a burden on law enforcement to determine whether a person is engaged in a lawful profession or recreational activity. The enforcement of this law would be challenging at best. For that reason, the Virginia Sheriffs Association has requested this veto.

There is no compelling need to add to the list of weapons that can be lawfully concealed from public view and easily traded. Legalizing the concealed carry of switchblade knives would needlessly endanger the lives of Virginians. Furthermore, the laws of the United States prohibit the manufacture, transportation or distribution of switchblade knives.”

SB 1362. Carrying concealed weapons; exemption for nonduty status military personnel.

The enrolled bill provides that a member of the Virginia National Guard, Armed Forces of the United States, or Armed Forces Reserves of the United States in a nonduty status may carry a concealed weapon wherever such member may travel in the Commonwealth, provided that such member is carrying his valid military identification card. The Governor’s veto explanation states:

“Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto Senate Bill 1362. This bill would allow any member of the Virginia National Guard, Armed Forces of the United States, or the United States Armed Forces Reserve to carry a concealed handgun in a nonduty status, provided he is carrying his military identification card.

All of us are grateful to the brave young men and women who serve the Commonwealth and the Nation in uniform. However, that service does not automatically qualify them for the responsibilities involved in carrying a concealed handgun, any more than it automatically qualifies them for a driver's license.

The bill, which would apply both to Virginia residents and non-residents, constitutes an unwarranted expansion of persons allowed to carry concealed handguns that is unnecessary to protect the citizens of the Commonwealth. The bill would create a separate class of individuals who do not require a concealed handgun permit.”

SB 1455. Payments for registering to vote; penalties. The enrolled bill provides that any person who gives, offers, or promises any monetary payment to another in exchange for that person registering to vote is guilty of a Class 1 misdemeanor. A person who solicits or accepts any monetary payment from another in exchange for his registering to vote is guilty of a Class 1 misdemeanor. The Governor's veto explanation states:

“Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto Senate Bill 1455, which criminalizes the act of giving or receiving any monetary payment in exchange for registering to vote.

This activity is already criminalized under federal law and there is no evidence this activity is occurring in the Commonwealth or having any impacts on our elections. The bill does not define monetary payment which could make it a crime to participate in lawful activities such as offering or receiving a ride to a voter registration office.

Senate Bill 1455 is unnecessary. It is a bill in search of a problem. We should not make election laws for Virginians without evidence of the need for a change. Instead, we should work together to focus our efforts on ensuring that all of our citizens are able to fully participate in the democratic process.”

SB 1470. Coal tax credits. The enrolled bill reinstates the Virginia coal employment and production incentive tax credit. The credit, which expired on July 1, 2016, could be earned on and after January 1, 2017, but before January 1, 2022. The bill limits the aggregate amount of credits that may be allocated or claimed for the coal employment and production incentive tax credit in each fiscal year to \$7.3 million. An electricity generator must file an application with the Department of Taxation each year to determine the amount of credits that it may claim or allocate, including credits earned in prior taxable years. If the total amount of credits earned in a taxable year exceeds \$7.3 million, the Department of Taxation shall apportion the credits on a pro rata basis. The bill also extends the sunset date of the coalfield employment enhancement tax credit through taxable years beginning before January 1, 2022. HB 2198, which is identical as enrolled, has the same Governor's veto explanation. The Governor's veto explanation states:

“Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto Senate Bill 1470, which would reinstate the coal employment and production incentive tax credit and extend the allowance of the coalfield employment enhancement tax credit without meaningful reform.

As I stated last year when I vetoed similar legislation, I work tirelessly to build a new Virginia economy and ensure that the Commonwealth is the best place to live, work, and run a business. Making the most effective use of every dollar taxpayers entrust to their government is an essential part of that effort.

In January 2012, the Joint Legislative Audit and Review Commission (JLARC) published its final report, Review of the Effectiveness of Virginia Tax Preferences, Senate Document No. 4. That report established that the coal tax credits were intended to slow the decline of coal production and employment. Instead, JLARC found that the decline of coal production and employment was the same or even faster than was predicted before the credits were created. JLARC's report concluded that the economic activity had not moved in the desired direction and that the credits had not achieved their goal.

Specifically, from 1988 until 2016, coal mine operators, electricity generators, and other coal-related companies have claimed over \$637 million in tax credits. However, during the same period, the number of coal miners in Virginia has declined from 11,106 to 2,483. It would be unwise to spend additional taxpayer dollars on a tax credit that has fallen so short of its intended effectiveness.

Given the findings of the JLARC study and the lack of meaningful reform, including in this year's legislative session, I believe it would be inappropriate to sign this legislation."

SB 1581. Voter registration; verification of social security numbers. The enrolled bill requires the general registrars to verify that the name, date of birth, and social security number provided by an applicant on the voter registration application match the information on file with the Social Security Administration or other database approved by the State Board before registering such applicant. The bill also requires the general registrars to verify annually that the name, date of birth, and social security number in the registration record of each registered voter in the registrar's jurisdiction match the information on file with the Social Security Administration or other database approved by the State Board. The State Board is authorized to approve the use of any government database to the extent required to enable each general registrar to carry out the provisions of this section and to promulgate rules for the use of such database. The Department of Elections is required to provide access to the general registrars to the Social Security Administration database and any other database approved by the State Board. The Department of Elections is further required to enter into any agreement with any federal or state agency in order to facilitate such access. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto Senate Bill 1581. Senate Bill 1581 would require the automatic denial of voter registration applications from certain eligible Virginians solely due to an error in a federal database or other databases, such as third parties engaged in the credit reporting industry.

The Voting Rights Act expressly prohibits denying applications for reasons that are not material to determining voter eligibility. Requiring 133 individual general registrars to implement a flawed application denial process will only increase the potential to disenfranchise eligible voters and stretch the limited resources of local elections officials.

Maintaining the Commonwealth's current process for verifying social security numbers through an agreement with the Social Security Administration will ensure continued compliance with the Voting Rights Act. Requiring general registrars to deny applications from potentially eligible Virginians would be an unfunded mandate on localities and could disenfranchise Virginians."

Bills Returned by the Governor (1998-2017)

Session	Governor	Amendments	Vetoed*	Total Sent to Governor
1998	Gilmore	147	24	939
1999		118	13	1,062
2000		60	16	1,089
2001		91	7	882
2002	Warner	74	1	899
2003		87	4	1,046
2004		60	2	1,035
2005		45	1	949
2006	Kaine	123	7	958
2007		106	10	958
2008		36	1	889
2009		101	12	886
2010	McDonnell	102	0	871
2011		132	5	892
2012		113	7	855
2013		85	6	812
2014	McAuliffe	57	5	834
2015		68	17	800
2016		57	29	811
2017**		83	40	880

*This column represents the number of vetoes considered by the General Assembly during the Regular and Reconvened Sessions for each year. The final number of vetoed bills can be found in the Legislative Information System statistics for each session.

**The 12 bills returned with Governor's amendments and one bill returned with a veto and acted upon during the 2017 Regular Session are included in these totals but are not summarized in the Governor's Amendments and Vetoes sections of this publication. In addition, amendments to the Budget Bill are not summarized in this publication.