

## **Governor's Amendments and Vetoes 2015 General Assembly Session**

The Governor vetoed 17 bills and recommended amendments to 68 bills passed by the 2015 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 15. Not included in the Governor's Amendments section is one bill returned with amendments and acted upon by the members during the 2015 Regular Session.

### **Governor's Amendments**

#### **House Bills**

**HB 1275. Hampton Roads Veterans Care Center project.** The enrolled bill allocates and appropriates \$32.7 million in proceeds from previously authorized Virginia Public Building Authority bonds to the Hampton Roads Veterans Care Center project. The enrolled bill also appropriates \$60.7 million to the Department of Veterans Services for anticipated federal grants relating to the project. The Governor's Amendment in the Nature of a Substitute combines funding for both the Hampton Roads Veterans Care Center and the Northern Virginia Veterans Care Center projects in a single bill and allocates and appropriates in aggregate \$66.7 million in Virginia Public Building Authority bonds for the design, environmental assessments, and construction of the two projects. The Governor's Amendment in the Nature of a Substitute also requires the Department of Veterans Services to provide an action plan to the Chairmen of the House Appropriations Committee and the Senate Finance Committee and to the Secretaries of Veterans and Defense Affairs and Finance prior to the allocation of any bond proceeds. The Governor has offered the identical Amendment in the Nature of a Substitute to HB 1276, SB 675, and SB 676.

**HB 1276. Northern Virginia Veterans Care Center project.** The enrolled bill allocates and appropriates \$32.7 million in proceeds from previously authorized Virginia Public Building Authority bonds to the Northern Virginia Veterans Care Center project. The enrolled bill also appropriates \$60.7 million to the Department of Veterans Services for anticipated federal grants relating to the project. The Governor's Amendment in the Nature of a Substitute combines funding for both the Hampton Roads Veterans Care Center and the Northern Virginia Veterans Care Center projects in a single bill and allocates and appropriates in aggregate \$66.7 million in Virginia Public Building Authority bonds for the design, environmental assessments, and construction of the two projects. The Governor's Amendment in the Nature of a Substitute also requires the Department of Veterans Services to provide an action plan to the Chairmen of the House Appropriations Committee and the Senate Finance Committee and to the Secretaries of Veterans and Defense Affairs and Finance prior to the allocation of any bond proceeds. The Governor has offered the identical Amendment in the Nature of a Substitute to HB 1275, SB 675, and SB 676.

**HB 1296. Vacancies in elected offices; terms of office; special elections.** The enrolled bill prohibits a special election to fill a vacancy in an office to be held on the same day as the general election at which the office is regularly scheduled to be held. The Governor's amendment removes that prohibition. SB 1066, which is identical as enrolled, has the same Governor's amendment.

**HB 1315. Jury commissioners; list of unqualified persons provided to general registrars.** The enrolled bill has an enactment clause delaying the effective date of the act to July 1, 2016. The first Governor's amendment removes that enactment clause and requires the Department of Elections to review the number of individuals who are identified as not qualified to serve as jurors on the basis of information reported on jury questionnaires and obtained by jury commissioners and to report the number of such individuals to the Chairmen of the House and Senate Committees on Privileges and Elections by December 1, 2015. The second Governor's amendment adds an enactment clause requiring reenactment of the act by the 2016 Session of the General Assembly.

**HB 1402. Highway maintenance payments; bicycle and transit lanes.** The enrolled bill provides that cities and towns that receive highway maintenance payments from the Commonwealth based on moving-lane miles of highway will not have such payments reduced if moving-lane miles of highway are converted to transit-only lanes and allows the City of Richmond to convert such moving-lanes to bicycle lanes and not lose its maintenance payment before July 1, 2016. The bill also directs the Secretary of Transportation to report by December 1, 2015, on an appropriate maintenance formula for bicycle lanes. The Governor's amendment provides, in lieu of the requirement that the City of Richmond's conversion of highways to bicycle lanes occur before July 1, 2016, that as long as conversions are limited to 20 moving-lane miles the City of Richmond will not lose its maintenance payment.

**HB 1444. Vision care plans; reimbursement for services.** The enrolled bill prohibits a participating provider agreement between a vision care plan carrier and an optometrist or ophthalmologist that is entered into, amended, extended, or renewed on or after July 1, 2015, from establishing the fee or rate that the optometrist or ophthalmologist is required to accept for the provision of health care materials or services, or from requiring that an optometrist or ophthalmologist accept the reimbursement paid by the vision care plan carrier as payment in full, unless the services or materials are covered services or covered materials under the applicable vision care plan. The Governor's amendment conforms such date to the bill's delayed effective date of January 1, 2016.

**HB 1457. Direct access to physical therapy.** The enrolled bill provides that a physical therapist who has completed a doctor of physical therapy program approved by the Commission on Accreditation of Physical Therapy Education or who has obtained a certificate of authorization may evaluate and treat patients for up to 30 days after an initial evaluation without a referral if (i) the patient is not receiving care from a licensed health care provider for the symptoms giving rise to the presentation at the time of his presentation to the physical therapist for physical therapy services or (ii) the patient is receiving care from a licensed health care provider at the time of his presentation to the physical therapist for the symptoms giving rise to the presentation for physical therapy services and (a) the patient identifies a health care provider from whom he is currently receiving care, (b) the patient gives written consent for the physical therapist to release all personal health information and treatment records to the identified practitioner, and (c) the physical therapist notifies the identified practitioner no later than 14 days after treatment commences and provides the practitioner with a copy of the initial evaluation along with a copy of the patient history obtained by the physical therapist. The enrolled bill allows a physical therapist who has not completed a doctor of physical therapy program approved by the American Physical Therapy Association or received a certificate of authorization to conduct a one-time evaluation of a patient who has not met the criteria for evaluation and treatment without a

referral and direction, provided the physical therapist does not provide treatment. The bill eliminates the requirement for continuing education for physical therapists who have received a certificate of authorization and eliminates the advisory committee established to consult with the Board of Physical Therapy in promulgating regulations for minimum education, training, and experience criteria. The Governor's amendment is technical and corrects the name of the accrediting body for doctor of physical therapy programs referenced in the bill. SB 776, which is identical as enrolled, has the same Governor's amendment.

**HB 1458. Naloxone; administration in cases of opiate overdose.** The enrolled bill provides that a pharmacist may dispense naloxone or other opioid antagonist used for overdose reversal pursuant to an oral, written, or standing order in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health, that a person may possess and administer naloxone or other opioid antagonist used for overdose reversal to a person who is believed to be experiencing or about to experience a life-threatening opiate overdose, and that firefighters and law-enforcement officers who have completed a training program may possess and administer naloxone. The enrolled bill also provides that a person who in good faith prescribes, dispenses, or administers naloxone or other opioid antagonist used for overdose reversal in an emergency to an individual who is believed to be experiencing or about to experience a life-threatening opioid overdose shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if acting in accordance with the provisions of § 54.1-3408 or in his role as a member of an emergency medical services agency. The Governor's amendments make clear that the oral, written, or standing order pursuant to which a pharmacist dispenses naloxone or other opioid antagonist must be issued by a prescriber and that law-enforcement officers and firefighters who possess and administer naloxone must do so in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health. The Governor's amendments also add an emergency clause. SB 1186, which is identical as enrolled, has the same Governor's amendments.

**HB 1564. Schedule I drugs.** The enrolled bill adds N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indazole-3-carboxamide, N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)indazole-3-carboxamide, and 3,4-methylenedioxy-N,N-dimethylcathinone to Schedule I of the Drug Control Act. The Governor's amendment corrects the other name for N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)indazole-3-carboxamide listed in the enrolled bill. SB 1380, which is identical as enrolled, has the same Governor's amendment.

**HB 1570. Family day homes and child care centers; licensure; background checks; reporting; notice.** The enrolled bill establishes certain requirements for child care providers, including a requirement for fingerprint-based national criminal history records checks for licensed child day centers and family day homes and a requirement that child day centers and family day homes that contract with the Department of Social Services (the Department) to provide child care services that are funded by the Child Care and Development Block Grant (CCDBG) comply with all requirements established by federal law and regulation. The Governor's amendments require fingerprint-based national criminal history records checks for all licensed and registered child welfare agencies, including child day centers, child-placing agencies, children's residential facilities, family day homes, family day systems, independent foster homes, religious-exempt child day centers, and any child day center or family day home

that contracts with the Department to provide child care services that are funded by the CCDBG. SB 1168, which is identical as enrolled, has the same Governor's amendments.

**HB 1601. Uniform Interstate Family Support Act.** Technical amendment.

**HB 1612. School service providers; student personal information.** The enrolled bill requires entities that are contracted to provide online services to public schools and that have access to identifiable student information to maintain certain protections for such information. The Governor's amendments provide that, for students who are less than 18 years of age, parental consent, not the consent of the student, is required to disclose such information.

**HB 1639. DUI; persons convicted under laws of other states or federal law; restricted license; ignition interlock.** The enrolled bill provides that a person convicted in a federal court of an offense substantially similar to Virginia's DUI law may petition the general district court that he be assigned to a certified alcohol safety program and issued a restricted driver's license. Currently, only persons convicted in other states of substantially similar DUI offenses may so petition. The enrolled bill also requires that, as a condition of a restricted license, a person who has been convicted of a substantially similar DUI offense under the laws of another state or the United States be prohibited from operating a motor vehicle that is not equipped with an ignition interlock system. The Governor's amendment adds an emergency clause.

**HB 1673. Government Data Collection and Dissemination Practices Act; collection and use of personal information by law-enforcement agencies.** The enrolled bill provides that, unless a criminal or administrative warrant has been issued, law-enforcement and regulatory agencies shall not use surveillance technology to collect or maintain personal information where such data is of unknown relevance and is not intended for prompt evaluation and potential use regarding suspected criminal activity or terrorism by any individual or organization. The enrolled bill authorizes law-enforcement agencies to collect information from license plate readers, provided that such information is held for no more than seven days and is not subject to any outside inquiries or internal usage, except in the investigation of a crime or missing persons report. After seven days, such collected information must be purged from the system unless it is being utilized in an ongoing investigation. The enrolled bill also adds vehicle license plate numbers and information that affords a basis for inferring an individual's presence at any place to the definition of personal information. The Governor's amendments limit the provisions of the bill to the use of license plate readers instead of surveillance technology, increase the length of time such information may be held from seven to 60 days, and remove vehicle license plate numbers and information that affords a basis for inferring an individual's presence at any place from the definition of personal information. SB 965, which is identical as enrolled, has the same Governor's amendments.

**HB 1702. Transfer, etc., of firearms from licensed dealer; criminal history record information.** The enrolled bill provides that a licensed firearms dealer may perform a criminal history record information check before selling, renting, trading, or transferring any firearm owned by the dealer that is not in his inventory. The Governor's Amendment in the Nature of a Substitute adds a provision requiring the Department of State Police to be available to perform background checks for nondealer sales at gun shows that process a minimum of 100 transactions per show if requested by a party involved in a transaction. This provision will become effective only if the U.S. Department of Justice approves the policies and procedures that the Department of State Police will use to implement the provisions.

**HB 1776. Alcoholic beverage control.** The Governor's Amendment in the Nature of a Substitute conforms HB 1776 to the recommendation of the Governor for SB 1032, which was adopted by the Senate and House of Delegates on February 27, 2015, during the 2015 Regular Session.

**HB 1826. Virginia Racing Commission (VRC); powers.** The Governor's amendment clarifies the ownership or operation of satellite facilities. The enrolled bill requires that ownership and operation of all allowable satellite facilities be granted by the Virginia Racing Commission to an entity that is licensed by the Commission as a significant infrastructure limited licensee (i.e., Colonial Downs). The Governor's amendment provides an alternative for the ownership or operation of allowable satellite facilities in the event that there is no significant infrastructure limited licensee. The Governor's amendment provides that if by August 1, 2015, there is no significant infrastructure limited licensee or pending application for such license, the nonprofit industry stakeholder organization recognized by the Commission may be granted licenses to own or operate satellite facilities. The Governor's amendment further provides that if, after the issuance of a license to own or operate a satellite facility to such nonprofit industry stakeholder organization, the Commission grants a license to a significant infrastructure limited licensee, such limited licensee may own or operate the remaining available satellite facilities. In no event shall the Commission authorize either entity to own or operate more than a combined total of 10 satellite facilities. SB 1097, which is identical as enrolled, has the same Governor's amendments.

**HB 1833. First responders; administration of naloxone.** The enrolled bill allows first responders, members of an emergency medical services agency, or law-enforcement officers to possess naloxone and administer naloxone to a person who is believed to be experiencing or about to experience an opiate overdose. The bill provides civil immunity for such first responders, members of an emergency medical services agency, and law-enforcement officers for any personal injury that results from any act or omission in the good faith administration of naloxone. The Governor's amendments conform the enrolled bill to HB 1458 and SB 1186, which (i) allow a pharmacist to dispense naloxone or other opioid antagonist used for overdose reversal pursuant to an oral, written, or standing order in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health; (ii) allow a person to possess and administer naloxone or other opioid antagonist used for overdose reversal to a person who is believed to be experiencing or about to experience a life-threatening opiate overdose; (iii) allow firefighters and law-enforcement officers who have completed a training program to possess and administer naloxone; and (iv) provide that a person who in good faith prescribes, dispenses, or administers naloxone or other opioid antagonist used for overdose reversal in an emergency to an individual who is believed to be experiencing or about to experience a life-threatening opioid overdose shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if acting in accordance with the provisions of § 54.1-3408 or in his role as a member of an emergency medical services agency.

**HB 1835. Virginia Public Procurement Act (VPPA); methods of procurement; job order contracting and cooperative procurement.** The enrolled bill clarifies that small purchase procedures include the procurement of non-transportation-related construction and that no such procedures shall waive compliance with the Uniform State Building Code. The enrolled bill adds independent agencies of the Commonwealth to the definition of public body under the VPPA. The enrolled bill also increases contract amounts for job order contracting and provides that (i)

order splitting with the intent of keeping a job order under the maximum dollar amounts prescribed is prohibited; (ii) no public body shall issue or use a job order, under a job order contract, solely for the purpose of receiving professional architectural or engineering services that constitute the practice of architecture or the practice of engineering as those terms are defined in § 54.1-400; however, professional architectural or engineering services may be included on a job order where such professional services (a) are incidental and directly related to the job, (b) do not exceed \$25,000 per job order, and (c) do not exceed \$75,000 per contract term; and (iii) job order contracting shall not be used for construction, maintenance, or asset management services for a highway, bridge, tunnel, or overpass. The enrolled bill clarifies the provisions of the VPPA relating to cooperative procurement and requires that by October 1, 2017, the Department of Small Business and Supplier Diversity, public institutions of higher education having level 2 or 3 authority under the Restructured Higher Education Financial and Administrative Operations Act of 2005, any state agency utilizing job order contracting, and the Virginia Association of Counties, the Virginia Municipal League, and the Virginia Association of Governmental Purchasing, on behalf of local public bodies, working cooperatively, report their respective experiences and findings relating to the appropriateness and effectiveness of job order contracting in general, the job order project cost limitations as added by the enrolled bill, and the architectural and professional engineering term contract limits to the Chairmen of the House Committee on General Laws and the Senate Committee on General Laws and Technology. The enrolled bill also requires, for construction projects in excess of \$2 million, that a public body, including public institutions of higher education, provide its justification for use of any procurement method other than competitive sealed bidding to the Director of the Department of General Services. The enrolled bill requires the State Corporation Commission (SCC) to develop a process for the administrative review of its procurement decisions that is consistent with the Constitution of Virginia. The enrolled bill further provides that its provisions shall not apply to any solicitation issued or contract awarded before July 1, 2015, except that the provisions of subsection B of § 2.2-4303.2, as added by the bill, shall apply to any renewal of a job order contract. The Governor's Amendment in the Nature of a Substitute clarifies venue for legal challenges to procurement decisions involving the State Corporation Commission. SB 1371, which is identical as enrolled, has the same Governor's Amendment in the Nature of a Substitute.

**HB 1842. Performance and incentive grants.** The enrolled bill provides, in part, that no more than \$15 million in Virginia Investment Performance Grants may be outstanding at any time on or after July 1, 2015, and requires the MEI Project Approval Commission to review incentive packages in which the aggregate amount of incentives, including not only incentive grants and funds but also tax credits, bond proceeds, or general and nongeneral funds, offered by the Commonwealth is in excess of \$10 million in value. The enrolled bill also repeals the Clean Energy Manufacturing Incentive Grant Program and the semiconductor performance grant programs. The Governor's amendments allow up to \$20 million in Virginia Investment Performance Grants to be outstanding at any time, require MEI Project Approval Commission review of incentives only if the value of incentives from particular, existing grant programs and funds exceeds \$10 million dollars, narrow the reporting required of the Virginia Economic Development Partnership regarding incentive packages, and repeal the Specialized Biotechnology Research Performance Grant Program.

**HB 1854. Virginia Public Procurement Act; small, women-owned, and minority-owned businesses; enhancement or remedial measures.** The enrolled bill requires state contracts

awarded pursuant to enhancement or remedial measures to include a requirement that no more than 60 percent of the work be subcontracted to another contractor and provides for the Department of Small Business and Supplier Diversity (the Department) to investigate complaints alleging violations of the provision and to revoke the business's certification for a period of one year upon determination that the contract provision has been violated. The Governor's amendments (i) replace the language prohibiting more than 60 percent subcontract with a requirement that the contractor include in the proposal any intended plan to subcontract to small, women-owned, minority-owned, and service disabled veteran-owned businesses; (ii) provide for the Department to investigate complaints of the failure to comply with the subcontracting plan; and (iii) require the contractor to provide a written explanation in instances where there is a failure to comply with the plan.

**HB 1857. Charter; Town of Weber City.** The enrolled bill extends the terms of council members and certain other town officials from two to four years. The Governor's amendment delays the commencement of such change from 2016 to 2018 in order to conform these terms to the election cycle of other town officials.

**HB 1879. Coal tax credits.** The enrolled bill extends the sunset of the coalfield employment enhancement tax credit from January 1, 2017, to January 1, 2019. The enrolled bill also extends the date that tax credits earned by an electricity generator pursuant to the Virginia Coal Employment and Production Incentive Tax Credit could be allocated to a person with an economic interest in coal from July 1, 2016, to January 1, 2019. The Governor's amendments return both of these provisions to the dates set forth in existing law; the coalfield employment enhancement tax credit would sunset on January 1, 2017, and no credits earned pursuant to the Virginia Coal Employment and Production Incentive Tax Credit could be allocated to persons with an economic interest in coal after July 1, 2016. SB 1161, which is identical as enrolled, has the same Governor's amendments.

**HB 1908. Alcoholic beverage control; powdered or crystalline alcohol; penalty.** The enrolled bill adds powdered or crystalline alcohol to the definition of alcoholic beverages, prohibits containers sold in or shipped into the Commonwealth from including powdered or crystalline alcohol, and creates a Class 1 misdemeanor for anyone who purchases, possesses, offers for sale or use, sells, or uses a powdered or crystalline alcohol product. The Governor's amendment adds an emergency clause. SB 1034, which is identical as enrolled, was approved by the Governor during the 2015 Regular Session without an emergency clause.

**HB 1917. Certain contracts between governmental agencies prohibited.** The enrolled bill requires governmental agencies intending to purchase services for an amount over \$25,000 to post a notice of the purchase and provide the opportunity for comment by or the submission of information from the private sector on the intended purchase. The Governor's amendment exempts services provided by central service state agencies, activities operated as an internal service fund of the Commonwealth, and purchases from public institutions of higher education from this requirement.

**HB 1930. Institutions of higher education; reporting acts of sexual violence.** The enrolled bill sets up a framework for institutions of higher education for reporting and reviewing information related to acts of sexual violence. The Governor's amendments provide that the representative of law enforcement on the review committee is responsible, when the committee cannot reach a consensus, for deciding if disclosure of the information to the relevant law-

enforcement agency is necessary to protect the health and safety of the victim or other individuals. The enrolled bill places such responsibility on the Title IX coordinator. The Governor's amendments also provide that disclosure of the information to law enforcement is not required when the law-enforcement agency responsible for investigating the alleged act of sexual violence is located outside the United States. Finally, the Governor's amendments require, in cases involving a felony sexual assault, that the representative of law enforcement on the review committee or, in certain situations another committee member consult with the attorney for the Commonwealth or other prosecutor responsible for prosecuting the alleged act of sexual violence. The enrolled bill requires the review committee member to consult with the local attorney for the Commonwealth. SB 712, which is identical as enrolled, has the same Governor's amendments.

**HB 1955. Administration and enforcement of cigarette laws.** Technical amendment. SB 1232, which is identical as enrolled, has the same Governor's amendment.

**HB 1984. Mandatory judicial retirement.** The enrolled bill increases the mandatory retirement age for judges from 70 to 73, restricted in the case of judges of the circuit, general district, and juvenile and domestic relations district courts to those judges who are elected or appointed to an original or subsequent term on and after the effective date of the legislation. The Governor's amendment removes the restriction and applies the mandatory retirement age of 73 to all judges. SB 1196, which is identical as enrolled, has the same amendment.

**HB 2036. Purchase, etc., of tobacco products by minors; liquid nicotine packaging; penalty.** The enrolled bill provides that no person shall sell or distribute a liquid nicotine container on or after January 1, 2016, unless it is packaged in child-resistant packaging and complies with labeling requirements consistent with regulations adopted by the Board of Agriculture and Consumer Services (the Board). Any person who violates the packaging and labeling requirements is guilty of a Class 4 misdemeanor. The enrolled bill provides that any adult may sign for tobacco products, nicotine vapor products, or alternative nicotine products purchased through mail order or the Internet; current law requires the signature of the purchaser. The Governor's Amendment in the Nature of a Substitute removes references to the labeling of liquid nicotine containers; changes the effective date of the prohibition on containers that are not child-resistant from January 1, 2016, to October 1, 2015; allows wholesalers or retailers to sell certain existing inventory until January 1, 2016; makes technical amendments; and removes the requirement that the Board adopt regulations to implement the act. SB 1325, which is identical as enrolled, has the same Governor's Amendment in the Nature of a Substitute.

**HB 2062. Elections administration; pre-election and post-election activities.** Technical amendments.

**HB 2070. State and Local Government Conflict of Interests Act, General Assembly Conflicts of Interests Act, and Virginia Conflict of Interest and Ethics Advisory Council; certain gifts prohibited; approvals required for certain travel.** The enrolled bill prohibits the acceptance of any single gift with a value in excess of \$100 from certain prohibited persons. The Governor's amendments prohibit the acceptance of any single gift with a value in excess of \$100 and any combination of gifts with an aggregate value in excess of \$100 from certain prohibited persons. The Governor's amendments exempt from aggregation those gifts with a value of less than \$20.



The enrolled bill removes “a person, organization, or business who is a party to or is seeking to become a party to a contract with the Commonwealth” from the list of those persons who, by definition, cannot be a personal friend of a legislator and from whom a legislator cannot accept gifts in excess of the gift limit. The Governor’s amendments restore those persons to such lists.

The enrolled bill defines a widely attended event as “an event at which at least 25 persons have been invited to attend or there is a reasonable expectation that at least 25 persons will attend the event and the event is open to the public or is open to individuals (i) who share a common interest, (ii) who are members of a public, civic, charitable, or professional organization, (iii) who are from a particular industry or profession, or (iv) who represent persons interested in a particular issue.” The Governor’s amendments remove the “open to the public” provision from the definition. Additionally, the enrolled bill creates an exception to the gift limit for food and beverages received at a widely attended event. The Governor’s amendments add entertainment and the cost of admission to that exception but require that such gifts be associated with the event for the exception to apply.

The enrolled bill explicitly excludes four types of travel from the definition of gift, thereby exempting such travel from the disclosure requirements. The Governor’s amendments remove those four types of travel from the exception to the definition of gift, thereby subjecting such travel to disclosure as required by law. The Governor’s amendments would not have the effect of requiring approval for the acceptance of any of those four types of travel.

The enrolled bill requires that the Governor, the Speaker of the House of Delegates, and the Senate Committee on Rules each appoint to the Virginia Conflict of Interest and Ethics Advisory Council (the Council) a retired judge of a court of record. The Governor’s amendments replace the appointment of a retired judge with an appointment of a current or former executive branch employee and change “retired” judge to “former” judge for the appointments made by the Speaker and the Senate Committee on Rules.

The enrolled bill permits the Council to review all filed disclosure forms for completeness and to compare those forms with the disclosure forms filed by lobbyists. The Governor’s amendments require the Council to additionally conduct a semiannual inspection of a random sample of filed disclosure forms to determine compliance with applicable disclosure requirements and limitation on gifts, the accuracy of information disclosed, and whether filing deadlines were met.

The enrolled bill provides that staff assistance to the Council is provided by the Division of Legislative Services and that the Division shall employ an executive director of the Council, subject to confirmation by the Joint Committee on Rules. The Governor’s amendments require the Council to employ an executive director, to be appointed by the Joint Committee on Rules. The Governor’s amendments also authorize the Council to employ its own staff.

Under current law, state and local officers and employees, including persons appointed to boards, commissions, and councils, are defined as having a personal interest in a transaction if they or a member of their immediate family have a personal interest in the property or business that may be affected by the transaction. The Governor’s amendments add children, grandchildren, parents, and siblings to that definition. By definition, immediate family includes the spouse or any other

person who resides in the same household as and is a dependent of the officer or employee, but does not necessarily include children, grandchildren, parents, or siblings.

The Governor's amendments require members of local electoral boards and general registrars to file statements of financial interests semiannually.

The Governor's amendments authorize the Council to do all acts that are necessary or convenient to carry out its purposes.

The enrolled bill has a delayed effective date of July 1, 2016. The Governor's amendments change the effective date of the provisions of the enrolled bill dealing with the membership of the Council, the Council's duties, and staffing of the Council to July 1, 2015.

The enrolled bill requires local officers and employees to file disclosure forms with the local clerk of the governing body or school board. The Governor's amendments ensure that such officers and employees are not required to file with the Council the filing due on December 15, 2015, as is currently required by law.

The Governor's amendments provide that if members of the new Council are appointed while the General Assembly is not in session, the Council may still exercise its powers and duties until confirmation of its members. The Governor's amendments also provide for the staggering of the terms of the Council's citizen members.

The Governor's amendments also include several technical amendments. SB 1424, which is identical as enrolled, has the same Governor's amendments.

**HB 2125. Use of unmanned aircraft systems by public bodies; search warrant required.**

The enrolled bill prohibits the use of unmanned aircraft systems by state and local law-enforcement and regulatory entities unless a search warrant has been obtained prior to such use, subject to certain exceptions. The first Governor's amendment modifies an exception that provides that a warrant is not required when unmanned aircraft systems are used to support the Commonwealth "for purposes other than law-enforcement" by replacing that phrase with "for purposes other than active criminal investigations." The enrolled bill provides that evidence obtained without a search warrant, when required, is not admissible in a criminal or civil proceeding. The second Governor's amendment requires that objections to the admission of evidence in a criminal proceeding must be raised using the same statutory procedure as for suppression of evidence or dismissal of a charge because of an alleged constitutional violation and that a circuit court order prohibiting the use of the evidence may be appealed by the Commonwealth using an existing statutory procedure for pretrial appeals by the Commonwealth. The third Governor's amendment removes an exemption for the Armed Forces of the United States since the enrolled bill applies to state and local entities. These Governor's amendments are identical to the first three Governor's amendments to SB 1301.

**HB 2148. Virginia Public Procurement Act; small, women-owned, and minority-owned businesses.** The enrolled bill adds historically black colleges and universities (HBCUs) to the definition of minority-owned business. The Governor's amendments provide that a business owned by an HBCU, rather than the HBCU itself, is included under the definition and removes

the language relating to the percentage ownership by minority individuals. The Governor's amendments also include a technical amendment to the definition of historically black colleges and universities. SB 1333, which is identical as enrolled, has the same Governor's amendments.

**HB 2206. Special conservators of the peace; training, orders of appointment, registration, etc.** The enrolled bill makes numerous changes to laws providing for the appointment of special conservators of the peace. The enrolled bill requires the Criminal Justice Services Board to establish compulsory training standards of 98 hours for unarmed special conservators and 130 hours for armed special conservators; the Governor's amendments establish those hours as minimum requirements. The enrolled bill provides that a special conservator of the peace may be granted authority to make an arrest outside of his geographical limitations following a close pursuit; the Governor's amendments provide that only special conservators employed by a corporation that employs 10,000 or more employees at a single location in the Commonwealth may be granted such authority and require that any such arrest be contemporaneously reported to the chief local law-enforcement officer. The enrolled bill provides that, upon request and for good cause shown, the appointment order may permit a special conservator of the peace to use the seal of the Commonwealth, to use the title "police" on any badge or uniform, and to use flashing lights and sirens on a vehicle; the Governor's amendments prohibit any special conservator of the peace other than one employed by a museum owned and managed by the Commonwealth from using the seal of the Commonwealth, prohibit the use of the title "police" or any other insignia or words indicating that a special conservator of the peace is a law-enforcement officer, and prohibit any special conservator of the peace from using blue flashing lights and sirens on a vehicle, except that the prohibition on the use of sirens shall not apply to business vehicles used in the performance of his duties by a special conservator of the peace employed by a corporation that employs 10,000 or more employees at a single location in the Commonwealth. The enrolled bill requires a special conservator of the peace who is arrested for certain offenses to report such arrest to the Department of Criminal Justice Services (the Department) and to the chief law-enforcement officer of all localities in which he is authorized to serve within 15 days; the Governor's amendments also require such report upon charge or conviction and require that any such report be made within three days. The enrolled bill requires all persons seeking appointment or reappointment as a special conservator of the peace to register with the Department; the Governor's amendments additionally require all persons currently appointed as special conservators to register with the Department.

The Governor's amendments further provide that (i) a locality or its departments or agents may not apply for the appointment of a special conservator of the peace; (ii) an order of appointment for a special conservator of the peace appointed to serve a corporation may not extend the powers of the special conservator of the peace to real property owned by the corporation in other cities or counties; and (iii) the special conservator of the peace must be covered by insurance, rather than bond. The Governor's amendments also remove a provision allowing the governing body of any locality or the sheriff of a county where no police department has been established to enter into a mutual aid agreement with any entity employing special conservators of the peace. SB 1195, which is identical as enrolled, has the same Governor's amendments.

**HB 2286. Possession, etc., of firearms, etc., by persons convicted of certain offenses; restoration of rights.** The enrolled bill provides that the prohibition on the possession and transportation of firearms and ammunition by convicted felons does not apply to a felon whose right to possess firearms or ammunition has been restored under the law of another state. The

Governor's Amendment in the Nature of a Substitute adds a provision prohibiting a person who has been convicted of a misdemeanor offense of stalking, assault and battery, or sexual battery, where the offense was committed against a family or household member, from possessing or transporting a firearm and provides that a person who violates this provision is guilty of a Class 1 misdemeanor. The Governor's Amendment in the Nature of a Substitute provides a process by which a person convicted of such crimes may petition the circuit court for a reinstatement of his rights to possess or transport a firearm.

**HB 2316. Southwest Virginia Health Authority; cooperative agreements.** The enrolled bill authorizes the Southwest Virginia Health Authority to receive and review applications for approval of proposed cooperative agreements submitted by two or more hospitals and to provide recommendations to the State Health Commissioner regarding the approval of such applications. The Governor's amendments (i) require the Authority to consider whether a proposed cooperative agreement will result in benefits related to the total cost of care, (ii) provide that the Commissioner's decision to approve or deny an application shall constitute a case decision pursuant to the Administrative Process Act, and (iii) require that the annual reports by the parties to a cooperative agreement include a description of actions taken in furtherance of terms imposed by the Commissioner as a condition for approval of the cooperative agreement. The Governor has also proposed technical amendments.

**HB 2322. Health benefits plans; essential health benefits waiver.** The enrolled bill authorizes health carriers to offer, sell, issue, or renew any health benefit plan in the individual and group markets that does not include the essential health benefits as required by the federal Patient Protection and Affordable Care Act (the Act) if (i) federal premium tax credit subsidies are no longer available or provided for a health benefit plan purchased through the federal health benefits exchange and (ii) the appropriate federal authority has suspended enforcement of the provisions of the Act that require a health benefit plan to provide coverage for essential health benefits, to the extent and under the terms that the appropriate federal authority has suspended enforcement of such provisions. The Governor's amendment adds a reenactment clause.

**HB 2323. Information technology projects and services in the Commonwealth.** The enrolled bill implements several changes regarding information technology management and oversight, as recommended by a recent report by the Joint Legislative Audit Review Commission. Under current law, the Secretary of Technology must approve "major information technology projects." which are defined as those projects over \$1 million, or projects otherwise designated as major, generally due to their scope or complexity. The Chief Information Officer (CIO) has authority to approve or terminate all other projects. The enrolled bill would allow the CIO to approve or terminate all projects, regardless of scope, size, or value. The Governor's amendments require Secretarial approval for projects over \$1 million, but do not require approval for other complex projects that do not meet the \$1 million threshold. The enrolled bill also requires all executive branch agency heads to follow the policies and procedures established by the CIO relating to the security of government information. Another bill that has already been signed into law, SB 1121, also creates this requirement, but uses different language, has a narrower application, and places this requirement in a different subsection of the Code of Virginia. Though the intent of HB 2323 and SB 1121 with regard to security is the same, adopting the language in both HB 2323 and SB 1121 could be confusing and create uncertainty. The ninth and tenth Governor's amendments to HB 2323 are technical in nature to resolve this confusion so that both bills may be implemented. The Governor's amendments move this requirement to the same subsection as that assigned in

SB 1121 and adopt the broader approach such that the requirement will be applicable to all executive branch agencies.

**HB 2368. Involuntary civil admissions; evaluations.** The enrolled bill directs the Commissioner of Behavioral Health and Developmental Services (the Commissioner), in conjunction with relevant stakeholders, to develop by October 1, 2015, a comprehensive plan to authorize psychiatrists and emergency physicians to evaluate individuals for involuntary civil admission and to submit the recommendations to the Joint Subcommittee Studying Mental Health Services in the Commonwealth in the 21st Century, the House Committee on Health, Welfare and Institutions, and the Senate Committee on Education and Health. The Governor's amendments require that the Commissioner and stakeholders also review the current practice of conducting emergency evaluations for individuals subject to involuntary civil admission and identify community services boards and catchment areas where significant delays in responding to emergency evaluations are occurring or have occurred in recent years. The Governor's amendments require that the review and comprehensive plan be completed by November 15, 2015, and be reported to the Governor.

## Senate Bills

**SB 675. Northern Virginia Veterans Care Center project.** The enrolled bill allocates and appropriates \$32.7 million in proceeds from previously authorized Virginia Public Building Authority bonds to the Northern Virginia Veterans Care Center project. The enrolled bill also appropriates \$60.7 million to the Department of Veterans Services for anticipated federal grants relating to the project. The Governor's Amendment in the Nature of a Substitute combines funding for both the Hampton Roads Veterans Care Center and the Northern Virginia Veterans Care Center projects in a single bill and allocates and appropriates in aggregate \$66.7 million in Virginia Public Building Authority bonds for the design, environmental assessments, and construction of the two projects. The Governor's Amendment in the Nature of a Substitute also requires the Department of Veterans Services to provide an action plan to the Chairmen of the House Appropriations Committee and the Senate Finance Committee and to the Secretaries of Veterans and Defense Affairs and Finance prior to the allocation of any bond proceeds. The Governor has offered the identical Amendment in the Nature of a Substitute to HB 1275, HB 1276, and SB 676.

**SB 676. Hampton Roads Veterans Care Center project.** The enrolled bill allocates and appropriates \$32.7 million in proceeds from previously authorized Virginia Public Building Authority bonds to the Hampton Roads Veterans Care Center project. The enrolled bill also appropriates \$60.7 million to the Department of Veterans Services for anticipated federal grants relating to the project. The Governor's Amendment in the Nature of a Substitute combines funding for both the Hampton Roads Veterans Care Center and the Northern Virginia Veterans Care Center projects in a single bill and allocates and appropriates in aggregate \$66.7 million in Virginia Public Building Authority bonds for the design, environmental assessments, and construction of the two projects. The Governor's Amendment in the Nature of a Substitute also requires the Department of Veterans Services to provide an action plan to the Chairmen of the House Appropriations Committee and the Senate Finance Committee and to the Secretaries of Veterans and Defense Affairs and Finance prior to the allocation of any bond proceeds. The Governor has offered the identical Amendment in the Nature of a Substitute to HB 1275, HB 1276, and SB 675.

**SB 712. Institutions of higher education; reporting acts of sexual violence.** The enrolled bill sets up a framework for institutions of higher education for reporting and reviewing information related to acts of sexual violence. The Governor's amendments provide that the representative of law enforcement on the review committee is responsible, when the committee cannot reach a consensus, for deciding if disclosure of the information to the relevant law-enforcement agency is necessary to protect the health and safety of the victim or other individuals. The enrolled bill places such responsibility on the Title IX coordinator. The Governor's amendments also provide that disclosure of the information to law enforcement is not required when the law-enforcement agency responsible for investigating the alleged act of sexual violence is located outside the United States. Finally, the Governor's amendments require, in cases involving a felony sexual assault, that the representative of law enforcement on the review committee or, in certain situations another committee member consult with the attorney for the Commonwealth or other prosecutor responsible for prosecuting the alleged act of sexual violence. The enrolled bill requires the review committee member to consult with the local attorney for the Commonwealth. HB 1930, which is identical as enrolled, has the same Governor's amendments.

**SB 721. Seizure of property; inventory required.** The enrolled bill requires the agency seizing property used in connection with the commission of a crime to, as soon as practicable, conduct an inventory of the seized property and provide a copy of such inventory to the property owner. The Governor's amendment requires that any action for the forfeiture of such seized property be stayed until the person whose property is the subject of the forfeiture action has been convicted of the crime authorizing the forfeiture and has exhausted all appeals; however, such property may be forfeited even though no final conviction order is entered if (i) the forfeiture is ordered by the court pursuant to a plea agreement or (ii) the owner of the property has not submitted a written demand for the return of the property within one year from the date the property was seized.

**SB 776. Direct access to physical therapy.** The enrolled bill provides that a physical therapist who has completed a doctor of physical therapy program approved by the Commission on Accreditation of Physical Therapy Education or who has obtained a certificate of authorization may evaluate and treat patients for up to 30 days after an initial evaluation without a referral if (i) the patient is not receiving care from a licensed health care provider for the symptoms giving rise to the presentation at the time of his presentation to the physical therapist for physical therapy services or (ii) the patient is receiving care from a licensed health care provider at the time of his presentation to the physical therapist for the symptoms giving rise to the presentation for physical therapy services and (a) the patient identifies a health care provider from whom he is currently receiving care, (b) the patient gives written consent for the physical therapist to release all personal health information and treatment records to the identified practitioner, and (c) the physical therapist notifies the identified practitioner no later than 14 days after treatment commences and provides the practitioner with a copy of the initial evaluation along with a copy of the patient history obtained by the physical therapist. The enrolled bill allows a physical therapist who has not completed a doctor of physical therapy program approved by the American Physical Therapy Association or received a certificate of authorization to conduct a one-time evaluation of a patient who has not met the criteria for evaluation and treatment without a referral and direction, provided the physical therapist does not provide treatment. The bill eliminates the requirement for continuing education for physical therapists who have received a certificate of authorization and eliminates the advisory committee established to consult with the Board of Physical Therapy in promulgating regulations for minimum education, training, and experience criteria. The Governor's amendment is technical and corrects the name of the accrediting body for doctor of physical therapy programs referenced in the bill. HB 1457, which is identical as enrolled, has the same Governor's amendment.

**SB 848. Governor's Twenty marksmanship award.** The enrolled bill establishes the "Governor's Twenty" marksmanship award to recognize the top 20 competitors in each of the rifle and pistol Excellence-in-Competition matches conducted at the annual Virginia State Championships conducted by the Virginia Shooting Sports Association. The Governor's amendments rename the award the "Commonwealth's Twenty" marksmanship award.

**SB 891. Mechanics' liens; subcontractor's waiver of lien rights.** The enrolled bill provides that a subcontractor, lower-tier subcontractor, or material supplier may not waive or diminish his lien rights, right to assert bond payment claims, or right to assert claims for additional costs in advance of furnishing any labor, services, or materials. The Governor's Amendment in the Nature of a Substitute makes no substantive changes but moves the provisions involving the waiver or diminution of the right to assert bond payment claims or the right to assert claims for

additional costs in advance of furnishing any labor, services, or materials to a new section in Title 11 (Contracts).

**SB 965. Government Data Collection and Dissemination Practices Act; collection and use of personal information by law-enforcement agencies.** The enrolled bill provides that, unless a criminal or administrative warrant has been issued, law-enforcement and regulatory agencies shall not use surveillance technology to collect or maintain personal information where such data is of unknown relevance and is not intended for prompt evaluation and potential use regarding suspected criminal activity or terrorism by any individual or organization. The enrolled bill authorizes law-enforcement agencies to collect information from license plate readers, provided that such information is held for no more than seven days and is not subject to any outside inquiries or internal usage, except in the investigation of a crime or missing persons report. After seven days, such collected information must be purged from the system unless it is being utilized in an ongoing investigation. The enrolled bill also adds vehicle license plate numbers and information that affords a basis for inferring an individual's presence at any place to the definition of personal information. The Governor's amendments limit the provisions of the bill to the use of license plate readers instead of surveillance technology, increase the length of time such information may be held from seven to 60 days, and remove vehicle license plate numbers and information that affords a basis for inferring an individual's presence at any place from the definition of personal information. HB 1673, which is identical as enrolled, has the same Governor's amendments.

**SB 1049. Regional jail construction and contracts; state reimbursement.** The enrolled bill reduces from one-half to one-fourth the maximum state reimbursement for capital costs of regional jails and jails where there is a regional contract for cooperative jailing, provided that the Commonwealth will continue to reimburse one-half of such capital costs for (i) the enlargement or renovation of any regional created prior to July 1, 2015, and (ii) the construction, enlargement, or renovation of any regional jail approved by the Governor prior to such date. The enrolled bill also prohibits any new regional jail project that was not approved by the Governor prior to July 1, 2015, or created prior to such date, unless the project is specifically authorized in the general appropriation act. The Governor's Amendment in the Nature of a Substitute removes this prohibition on new projects but provides that no reimbursement will be paid by the Commonwealth for any such new regional jail project unless the project is specifically authorized in the general appropriation act, thereby allowing localities to build regional jails using solely their own funds if the project has not been authorized by the General Assembly.

**SB 1052. Developmental disabilities; definition.** Technical amendments.

**SB 1066. Vacancies in elected offices; terms of office; special elections.** The enrolled bill prohibits a special election to fill a vacancy in an office to be held on the same day as the general election at which the office is regularly scheduled to be held. The Governor's amendment removes that prohibition. HB 1296, which is identical as enrolled, has the same Governor's amendment.

**SB 1097. Virginia Racing Commission (VRC); powers.** The Governor's amendment clarifies the ownership or operation of satellite facilities. The enrolled bill requires that ownership and operation of all allowable satellite facilities be granted by the Virginia Racing Commission to an entity that is licensed by the Commission as a significant infrastructure limited licensee (i.e., Colonial Downs). The Governor's amendment provides an alternative for the ownership or



operation of allowable satellite facilities in the event that there is no significant infrastructure limited licensee. The Governor's amendment provides that if by August 1, 2015, there is no significant infrastructure limited licensee or pending application for such license, the nonprofit industry stakeholder organization recognized by the Commission may be granted licenses to own or operate satellite facilities. The Governor's amendment further provides that if, after the issuance of a license to own or operate a satellite facility to such nonprofit industry stakeholder organization, the Commission grants a license to a significant infrastructure limited licensee, such limited licensee may own or operate the remaining available satellite facilities. In no event shall the Commission authorize either entity to own or operate more than a combined total of 10 satellite facilities. HB 1826, which is identical as enrolled, has the same Governor's amendment.

**SB 1161. Coal tax credits.** The enrolled bill extends the sunset of the coalfield employment enhancement tax credit from January 1, 2017, to January 1, 2019. The enrolled bill also extends the date that tax credits earned by an electricity generator pursuant to the Virginia Coal Employment and Production Incentive Tax Credit could be allocated to a person with an economic interest in coal from July 1, 2016, to January 1, 2019. The Governor's amendments return both of these provisions to the dates set forth in existing law; the coalfield employment enhancement tax credit would sunset on January 1, 2017, and no credits earned pursuant to the Virginia Coal Employment and Production Incentive Tax Credit could be allocated to persons with an economic interest in coal after July 1, 2016. HB 1879, which is identical as enrolled, has the same Governor's amendments.

**SB 1168. Family day homes and child day centers; licensure; background checks; reporting; notice.** The enrolled bill establishes certain requirements for child care providers, including a requirement for fingerprint-based national criminal history records checks for licensed child day centers and family day homes and a requirement that child day centers and family day homes that contract with the Department of Social Services (the Department) to provide child care services that are funded by the Child Care and Development Block Grant (CCDBG) comply with all requirements established by federal law and regulation. The Governor's amendments require fingerprint-based national criminal history records checks for all licensed and registered child welfare agencies, including child day centers, child-placing agencies, children's residential facilities, family day homes, family day systems, independent foster homes, religious-exempt child day centers, and any child day center or family day home that contracts with the Department to provide child care services that are funded by the CCDBG. HB 1570, which is identical as enrolled, has the same Governor's amendments.

**SB 1186. Naloxone; administration in cases of opiate overdose.** The enrolled bill provides that a pharmacist may dispense naloxone or other opioid antagonist used for overdose reversal pursuant to an oral, written, or standing order in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health, that a person may possess and administer naloxone or other opioid antagonist used for overdose reversal to a person who is believed to be experiencing or about to experience a life-threatening opiate overdose, and that firefighters and law-enforcement officers who have completed a training program may possess and administer naloxone. The enrolled bill also provides that a person who in good faith prescribes, dispenses, or administers naloxone or other opioid antagonist used for overdose reversal in an emergency to an individual who is believed to be experiencing or about to experience a life-threatening opioid overdose shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such

treatment if acting in accordance with the provisions of § 54.1-3408 or in his role as a member of an emergency medical services agency. The Governor's amendments make clear that the oral, written, or standing order pursuant to which a pharmacist dispenses naloxone or other opioid antagonist must be issued by a prescriber and that law-enforcement officers and firefighters who possess and administer naloxone must do so in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health. The Governor's amendments also add an emergency clause. HB 1458, which is identical as enrolled, has the same Governor's amendments.

**SB 1193. Academic transcripts; suspension, permanent dismissal, or withdrawal from institution.** The enrolled bill requires the registrar of certain public and private institutions of higher education, or the other employee, office, or department of the institution that is responsible for maintaining student academic records, to include a prominent notation on the transcript of each student who has been suspended for, has been permanently dismissed for, or withdraws from the institution while under investigation for a violation of the institution's code, rules, or set of standards governing student conduct. The enrolled bill provides that any notation due to a student's suspension shall be removed if the student completed the term of the suspension and any conditions thereof and has been determined by the institution to be in good standing. The Governor's amendments provide that such a notation shall only be included on a student's transcript if the student has been suspended for, has been permanently dismissed for, or withdraws from the institution while under investigation for an offense involving sexual violence, which is defined as physical sexual acts perpetrated against a person's will or against a person incapable of giving consent. The Governor's amendments also provide that such institutions may adopt a policy for the removal of such notation from the transcript of a student who either was permanently dismissed or withdrew while under investigation after a period of at least two years from the date of the notation. The Governor's amendments provide further that institutions are only required to include such a notation for students who are taking or have taken a course at a campus of an institution located in the Commonwealth. The Governor's amendments also include technical amendments.

**SB 1195. Special conservators of the peace; training, orders of appointment, registration, etc.** The enrolled bill makes numerous changes to laws providing for the appointment of special conservators of the peace. The enrolled bill requires the Criminal Justice Services Board to establish compulsory training standards of 98 hours for unarmed special conservators and 130 hours for armed special conservators; the Governor's amendments establish those hours as minimum requirements. The enrolled bill provides that a special conservator of the peace may be granted authority to make an arrest outside of his geographical limitations following a close pursuit; the Governor's amendments provide that only special conservators employed by a corporation that employs 10,000 or more employees at a single location in the Commonwealth may be granted such authority and require that any such arrest be contemporaneously reported to the chief local law-enforcement officer. The enrolled bill provides that, upon request and for good cause shown, the appointment order may permit a special conservator of the peace to use the seal of the Commonwealth, to use the title "police" on any badge or uniform, and to use flashing lights and sirens on a vehicle; the Governor's amendments prohibit any special conservator of the peace other than one employed by a museum owned and managed by the Commonwealth from using the seal of the Commonwealth, prohibit the use of the title "police" or any other insignia or words indicating that a special conservator of the peace is a law-enforcement officer, and prohibit any special conservator of the peace from using blue flashing

lights and sirens on a vehicle, except that the prohibition on the use of sirens shall not apply to business vehicles used in the performance of his duties by a special conservator of the peace employed by a corporation that employs 10,000 or more employees at a single location in the Commonwealth. The enrolled bill requires a special conservator of the peace who is arrested for certain offenses to report such arrest to the Department of Criminal Justice Services (the Department) and to the chief law-enforcement officer of all localities in which he is authorized to serve within 15 days; the Governor's amendments also require such report upon charge or conviction and require that any such report be made within three days. The enrolled bill requires all persons seeking appointment or reappointment as a special conservator of the peace to register with the Department; the Governor's amendments additionally require all persons currently appointed as special conservators to register with the Department.

The Governor's amendments further provide that (i) a locality or its departments or agents may not apply for the appointment of a special conservator of the peace; (ii) an order of appointment for a special conservator of the peace appointed to serve a corporation may not extend the powers of the special conservator of the peace to real property owned by the corporation in other cities or counties; and (iii) the special conservator of the peace must be covered by insurance, rather than bond. The Governor's amendments also remove a provision allowing the governing body of any locality or the sheriff of a county where no police department has been established to enter into a mutual aid agreement with any entity employing special conservators of the peace. HB 2206, which is identical as enrolled, has the same Governor's amendments.

**SB 1196. Mandatory judicial retirement.** The enrolled bill increases the mandatory retirement age for judges from 70 to 73, restricted in the case of judges of the circuit, general district, and juvenile and domestic relations district courts to those judges who are elected or appointed to an original or subsequent term on and after the effective date of the legislation. The Governor's amendment removes the restriction and applies the mandatory retirement age of 73 to all judges. HB 1984, which is identical as enrolled, has the same Governor's amendment.

**SB 1201. Stormwater; municipal separate storm sewer system permittees; dredging.** The enrolled bill directs the State Water Control Board (the Board) to establish a procedure for the approval of dredging operations in the Chesapeake Bay watershed as a method by which to meet pollutant reduction and loading requirements. The enrolled bill provides that before the Board is required to establish the procedure, the Chesapeake Bay Program shall first approve the procedure as a creditable practice for pollutant removal. The enrolled bill requires that any dredging comply with all applicable laws. The enrolled bill also provides that any locality imposing certain stormwater fees may make funds available for stormwater maintenance dredging, including at the point of discharge, where stormwater has contributed to the deposition of sediment in state waters and that such use of the fee is required for any locality in the Lynnhaven River watershed. The Governor's amendment removes the requirement that any locality in the Lynnhaven River watershed use stormwater fees for dredging.

**SB 1232. Administration and enforcement of cigarette laws.** Technical amendment. HB 1955, which is identical as enrolled, has the same Governor's amendment.

**SB 1301. Use of unmanned aircraft systems by public bodies; search warrant required.** The enrolled bill prohibits the use of unmanned aircraft systems by state and local law-enforcement and regulatory entities unless a search warrant has been obtained prior to such use, subject to certain exceptions. The first Governor's amendment modifies an exception that provides that a

warrant is not required when unmanned aircraft systems are used to support the Commonwealth “for purposes other than law-enforcement” by replacing that phrase with “for purposes other than active criminal investigations.” The enrolled bill provides that evidence obtained without a search warrant, when required, is not admissible in a criminal or civil proceeding. The second Governor’s amendment requires that objections to the admission of evidence in a criminal proceeding must be raised using the same statutory procedure as for suppression of evidence or dismissal of a charge because of an alleged constitutional violation and that a circuit court order prohibiting the use of the evidence may be appealed by the Commonwealth using an existing statutory procedure for pretrial appeals by the Commonwealth. The third Governor’s amendment removes an exemption for the Armed Forces of the United States since the bill applies to state and local entities. The first three Governor’s amendments are identical to the Governor’s amendments to HB 2125. The fourth Governor’s amendment is a technical amendment that makes SB 1301 identical to HB 2125 as enrolled.

**SB 1309. Charitable Gaming Board; membership.** The enrolled bill increases the total number of members of the Charitable Gaming Board from nine to eleven and transfers from the Governor to the General Assembly the authority to appoint five of the eleven members. The Governor’s amendments change the eligibility of one of his appointees from an individual who is affiliated with a charitable organization to an individual who is not affiliated with a charitable organization.

**SB 1325. Purchase, etc., of tobacco products by minors; liquid nicotine packaging; penalty.** The enrolled bill provides that no person shall sell or distribute a liquid nicotine container on or after January 1, 2016, unless it is packaged in child-resistant packaging and complies with labeling requirements consistent with regulations adopted by the Board of Agriculture and Consumer Services (the Board). Any person who violates the packaging and labeling requirements is guilty of a Class 4 misdemeanor. The enrolled bill provides that any adult may sign for tobacco products, nicotine vapor products, or alternative nicotine products purchased through mail order or the Internet; current law requires the signature of the purchaser. The Governor’s Amendment in the Nature of a Substitute removes references to the labeling of liquid nicotine containers; changes the effective date of the prohibition on containers that are not child-resistant from January 1, 2016, to October 1, 2015; allows wholesalers or retailers to sell certain existing inventory until January 1, 2016; makes technical amendments; and removes the requirement that the Board adopt regulations to implement the act. HB 2036, which is identical as enrolled, has the same Governor’s substitute.

**SB 1333. Virginia Public Procurement Act; small, women-owned, and minority-owned businesses.** The enrolled bill adds historically black colleges and universities (HBCUs) to the definition of minority-owned business. The Governor’s amendments provide that a business owned by an HBCU, rather than the HBCU itself, is included under the definition and removes the language relating to the percentage ownership by minority individuals. The Governor’s amendments also include a technical amendment to the definition of historically black colleges and universities. HB 2148, which is identical as enrolled, has the same Governor’s amendments.

**SB 1350. Voter registration; cancellation of registration.** The enrolled bill requires the general registrars to cancel the registration of any voter for whom the registrar receives notice in accordance with the Driver License Compact that the voter has moved from the Commonwealth. Under current law, such cancellation is permissive. The Governor’s amendment returns the law to its current permissive state.

**SB 1371. Virginia Public Procurement Act (VPPA); methods of procurement; job order contracting and cooperative procurement.** The enrolled bill clarifies that small purchase procedures include the procurement of non-transportation-related construction and that no such procedures shall waive compliance with the Uniform State Building Code. The enrolled bill adds independent agencies of the Commonwealth to the definition of public body under the VPPA. The enrolled bill also increases contract amounts for job order contracting and provides that (i) order splitting with the intent of keeping a job order under the maximum dollar amounts prescribed is prohibited; (ii) no public body shall issue or use a job order, under a job order contract, solely for the purpose of receiving professional architectural or engineering services that constitute the practice of architecture or the practice of engineering as those terms are defined in § 54.1-400; however, professional architectural or engineering services may be included on a job order where such professional services (a) are incidental and directly related to the job, (b) do not exceed \$25,000 per job order, and (c) do not exceed \$75,000 per contract term; and (iii) job order contracting shall not be used for construction, maintenance, or asset management services for a highway, bridge, tunnel, or overpass. The enrolled bill clarifies the provisions of the VPPA relating to cooperative procurement and requires that by October 1, 2017, the Department of Small Business and Supplier Diversity, public institutions of higher education having level 2 or 3 authority under the Restructured Higher Education Financial and Administrative Operations Act of 2005, any state agency utilizing job order contracting, and the Virginia Association of Counties, the Virginia Municipal League, and the Virginia Association of Governmental Purchasing, on behalf of local public bodies, working cooperatively, report their respective experiences and findings relating to the appropriateness and effectiveness of job order contracting in general, the job order project cost limitations as added by the enrolled bill, and the architectural and professional engineering term contract limits to the Chairmen of the House Committee on General Laws and the Senate Committee on General Laws and Technology. The enrolled bill also requires, for construction projects in excess of \$2 million, that a public body, including public institutions of higher education, provide its justification for use of any procurement method other than competitive sealed bidding to the Director of the Department of General Services. The enrolled bill requires the State Corporation Commission (SCC) to develop a process for the administrative review of its procurement decisions that is consistent with the Constitution of Virginia. The enrolled bill further provides that its provisions shall not apply to any solicitation issued or contract awarded before July 1, 2015, except that the provisions of subsection B of § 2.2-4303.2, as added by the bill, shall apply to any renewal of a job order contract. The Governor's Amendment in the Nature of a Substitute clarifies venue for legal challenges to procurement decisions involving the State Corporation Commission. HB 1835, which is identical as enrolled, has the same Governor's Amendment in the Nature of a Substitute.

**SB 1380. Schedule I drugs.** The enrolled bill adds N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indazole-3-carboxamide, N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)indazole-3-carboxamide, and 3,4-methylenedioxy-N,N-dimethylcathinone to Schedule I of the Drug Control Act. The Governor's amendment corrects the other name for N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)indazole-3-carboxamide listed in the enrolled bill. HB 1564, which is identical as enrolled, has the same Governor's amendment.

**SB 1424. State and Local Government Conflicts of Interest Act, General Assembly Conflicts of Interest Act, and Virginia Conflict of Interest and Ethics Advisory Council; certain gifts prohibited; approvals required for certain travel.** The enrolled bill prohibits the

acceptance of any single gift with a value in excess of \$100 from certain prohibited persons. The Governor's amendments prohibit the acceptance of any single gift with a value in excess of \$100 and any combination of gifts with an aggregate value in excess of \$100 from certain prohibited persons. The Governor's amendments exempt from aggregation those gifts with a value of less than \$20.

The enrolled bill removes "a person, organization, or business who is a party to or is seeking to become a party to a contract with the Commonwealth" from the list of those persons who, by definition, cannot be a personal friend of a legislator and from whom a legislator cannot accept gifts in excess of the gift limit. The Governor's amendments restore those persons to such lists.

The enrolled bill defines a widely attended event as "an event at which at least 25 persons have been invited to attend or there is a reasonable expectation that at least 25 persons will attend the event and the event is open to the public or is open to individuals (i) who share a common interest, (ii) who are members of a public, civic, charitable, or professional organization, (iii) who are from a particular industry or profession, or (iv) who represent persons interested in a particular issue." The Governor's amendments remove the "open to the public" provision from the definition. Additionally, the enrolled bill creates an exception to the gift limit for food and beverages received at a widely attended event. The Governor's amendments add entertainment and the cost of admission to that exception but require that such gifts be associated with the event for the exception to apply.

The enrolled bill explicitly excludes four types of travel from the definition of gift, thereby exempting such travel from the disclosure requirements. The Governor's amendments remove those four types of travel from the exception to the definition of gift, thereby subjecting such travel to disclosure as required by law. The Governor's amendments would not have the effect of requiring approval for the acceptance of any of those four types of travel.

The enrolled bill requires that the Governor, the Speaker of the House of Delegates, and the Senate Committee on Rules each appoint to the Virginia Conflict of Interest and Ethics Advisory Council (the Council) a retired judge of a court of record. The Governor's amendments replace the appointment of a retired judge with an appointment of a current or former executive branch employee and change "retired" judge to "former" judge for the appointments made by the Speaker and the Senate Committee on Rules.

The enrolled bill permits the Council to review all filed disclosure forms for completeness and to compare those forms with the disclosure forms filed by lobbyists. The Governor's amendments require the Council to additionally conduct a semiannual inspection of a random sample of filed disclosure forms to determine compliance with applicable disclosure requirements and limitation on gifts, the accuracy of information disclosed, and whether filing deadlines were met.

The enrolled bill provides that staff assistance to the Council is provided by the Division of Legislative Services and that the Division shall employ an executive director of the Council, subject to confirmation by the Joint Committee on Rules. The Governor's amendments require the Council to employ an executive director, to be appointed by the Joint Committee on Rules. The Governor's amendments also authorize the Council to employ its own staff.

Under current law, state and local officers and employees, including persons appointed to boards, commissions, and councils, are defined as having a personal interest in a transaction if they or a member of their immediate family have a personal interest in the property or business that may be affected by the transaction. The Governor's amendments add children, grandchildren, parents, and siblings to that definition. By definition, immediate family includes the spouse or any other person who resides in the same household as and is a dependent of the officer or employee, but does not necessarily include children, grandchildren, parents, or siblings.

The Governor's amendments require members of local electoral boards and general registrars to file statements of financial interests semiannually.

The Governor's amendments authorize the Council to do all acts that are necessary or convenient to carry out its purposes.

The enrolled bill has a delayed effective date of July 1, 2016. The Governor's amendments change the effective date of the provisions of the enrolled bill dealing with the membership of the Council, the Council's duties, and staffing of the Council to July 1, 2015.

The enrolled bill requires local officers and employees to file disclosure forms with the local clerk of the governing body or school board. The Governor's amendments ensure that such officers and employees are not required to file with the Council the filing due on December 15, 2015, as is currently required by law.

The Governor's amendments provide that if members of the new Council are appointed while the General Assembly is not in session, the Council may still exercise its powers and duties until confirmation of its members. The Governor's amendments also provide for the staggering of the terms of the Council's citizen members.

The Governor's amendments also include several technical amendments. HB 2070, which is identical as enrolled, has the same Governor's amendments.

## Governor's Vetoes

**HB 1318. Applications for absentee ballots; photo identification required.** The enrolled bill requires any voter submitting his 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 enrolled bill exempts from this requirement military and overseas voters and persons with a disability. Currently, only a voter who completes his application for an absentee ballot in person is required to show a form of identification. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 1318, which requires photo identification for any voter seeking absentee ballots by mail, telephonic or electronic transmission.

"This 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 1332. House of Delegates districts; technical adjustment.** The enrolled bill changes district assignments of certain census blocks between Districts 5 and 6 in Smyth County and between Districts 42 and 43 in Fairfax County in order to reflect new precinct lines. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 1332, which proposes to make technical changes to House of Delegates Districts 5 and 6 in Smyth County and House of Delegates Districts 42 and 43 in Fairfax County.

"Legally, there is some question of the bill's constitutionality. According to Article II Section 6 of the Virginia Constitution, 'The General Assembly shall reapportion the Commonwealth into electoral districts in accordance with this section in the year 2011 and every ten years thereafter.' Proponents of the bill would argue that this language directs the General Assembly to redistrict every ten years, but contains no limitations on the power of the legislature to redistrict in other years. However, in the case of *Little et al. v. Virginia State Board of Elections*, the Richmond Circuit Court interpreted this language to 'limit the General Assembly's authority to reapportion Virginia's electoral districts after the year 2011' (page 15). This finding by the Court raises serious concerns about the bill's constitutionality and increases the risks of costly and time-consuming litigation.

"Furthermore, this bill sets a terrible precedent. Allowing the legislature to make substantive changes to electoral districts more frequently than once a decade injects further partisanship into a process that I regard as already too partisan. Annual legislative arguments over redistricting and gerrymandering distract the Commonwealth from the serious challenges we face, as well as undermine the trust of our citizens in their government."



**HB 1417. House of Delegates districts; technical adjustment.** The enrolled bill makes technical changes to House of Delegates Districts 7, 8, and 12 in Montgomery County in order to eliminate split voting precincts. The Governor’s veto explanation states:

“Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 1417, which proposes to make technical changes to House of Delegates Districts 7, 8, and 12 in Montgomery County.

“Legally, there is some question of the bill’s constitutionality. According to Article II Section 6 of the Virginia Constitution, ‘The General Assembly shall reapportion the Commonwealth into electoral districts in accordance with this section in the year 2011 and every ten years thereafter.’ Proponents of the bill would argue that this language directs the General Assembly to redistrict every ten years, but contains no limitations on the power of the legislature to redistrict in other years. However, in the case of *Little et al. v. Virginia State Board of Elections*, the Richmond Circuit Court interpreted this language to ‘limit the General Assembly’s authority to reapportion Virginia’s electoral districts after the year 2011’ (page 15). This finding by the Court raises serious concerns about the bill’s constitutionality and increases the risks of costly and time-consuming litigation.

“Furthermore, this bill sets a terrible precedent. Allowing the legislature to make substantive changes to electoral districts more frequently than once a decade injects further partisanship into a process that I regard as already too partisan. Annual legislative arguments over redistricting and gerrymandering distract the Commonwealth from the serious challenges we face, as well as undermine the trust of our citizens in their government.”

**HB 1473. General registrars; appointment from adjoining locality.** The enrolled bill permits local electoral boards to appoint a general registrar who is a qualified voter of a county or city that adjoins the county or city for which he is appointed. Current law requires the general registrar to be a qualified voter of the county or city for which he is appointed. The Governor’s veto explanation states:

“Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 1473, which would permit local electoral boards to appoint a general registrar who is not a qualified voter of the county or city for which he is appointed. Further, House Bill 1473 eliminates the current provisions allowing a city electoral board to appoint a qualified voter of a county to serve as a city general registrar that is wholly surrounded by that county.

“The current provision of 24.2-110 of the Code, in requiring that the general registrar ‘be a qualified voter of the county or city for which he is appointed,’ contemplates that the appointee have ties to and familiarity with the locality whose election processes he would oversee. House Bill 1473 would vitiate this requirement by permitting appointment of a general registrar from outside that jurisdiction.

“There has been no demonstration of widespread difficulty in recruiting well-qualified individuals to serve as general registrars. If such difficulties exist, the appropriate action is for the electoral board to intensify their recruitment process.”

**HB 1608. Prohibiting 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 services 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 Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 1608, which would prohibit a local government from requiring that their contractors have a wage floor or other benefit above what is required by state 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 profile of the available workforce, not by members of the General Assembly."

**HB 1626. Students receiving 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) is receiving 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 enrolled bill provides that no local school board is required to permit students receiving home instruction in interscholastic programs. The enrolled bill has an expiration date of July 1, 2020. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 1626, 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, all of whom satisfy the VHSL's 13 individual eligibility requirements, participate in 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. For example, VHSL rules state that a student must pass five subjects or the equivalent in the previous semester, and be enrolled in five subjects or the equivalent offered for credit toward graduation, in order to participate in the league's events. 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 upends Virginia’s extracurricular framework and codifies academic inequality in interscholastic competition.”

**HB 1699. House of Delegates districts; technical adjustment.** The enrolled bill changes district assignments of two census blocks between Districts 25 and 26 in Rockingham County in order to reflect a new precinct line. The Governor’s veto explanation states:

“Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 1699, which proposes to change district assignments of two census blocks between Districts 25 and 26 in Rockingham County.

“Legally, there is some question of the bill’s constitutionality. According to Article II Section 6 of the Virginia Constitution, ‘The General Assembly shall reapportion the Commonwealth into electoral districts in accordance with this section in the year 2011 and every ten years thereafter.’ Proponents of the bill would argue that this language directs the General Assembly to redistrict every ten years, but contains no limitations on the power of the legislature to redistrict in other years. However, in the case of *Little et al. v. Virginia State Board of Elections*, the Richmond Circuit Court interpreted this language to ‘limit the General Assembly’s authority to reapportion Virginia’s electoral districts after the year 2011’ (page 15). This finding by the Court raises serious concerns about the bill’s constitutionality and increases the risks of costly and time-consuming litigation.

“Furthermore, this bill sets a terrible precedent. Allowing the legislature to make substantive changes to electoral districts more frequently than once a decade injects further partisanship into a process that I regard as already too partisan. Annual legislative arguments over redistricting and gerrymandering distract the Commonwealth from the serious challenges we face, as well as undermine the trust of our citizens in their government.”

**HB 1752. Board of Education; Common Core State Standards.** The enrolled bill prohibits the Board of Education from replacing the educational objectives known as the Standards of Learning with Common Core State Standards without the prior statutory approval of the General Assembly but permits the Board to continue or create an educational standard or assessment that is coincidentally included in the standards referred to as the Common Core State Standards. SB 724, 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 1752, which prohibits the Board of Education from replacing the Standards of Learning with the Common Core State Standards.

“The Commonwealth led the nation nearly two decades ago in the development of statewide educational standards. Virginia’s education system is one of the best in the world because of this innovative work. Currently, our state standards meet or exceed the rigor of the Common Core State Standards, while maintaining our independence.

“In June of 2010, the Board of Education echoed this sentiment by unanimously adopting a statement in support of the Standards of Learning and voicing opposition to the Common Core State Standards.

“Virginia’s institutions and leaders have made it abundantly clear that adopting the Common Core State Standards would be a step backwards. Clear, rigorous, and trusted standards are necessary to ensure that Virginia’s students will be prepared to compete in the 21st century. We are also continuing to improve our accountability system through the work of the SOL Innovation Committee.

“However, while I remain opposed to adopting the Common Core State Standards, I am equally opposed to infringing on the Board’s authority by adopting unnecessary legislation which establishes rules upon which we have already agreed.

“Given that neither I nor the Board of Education have any intention of replacing the Standards of Learning with the Common Core State Standards, House Bill 1752 is unnecessary.”

**HB 2009. Law-enforcement certification of certain firearms.** The enrolled bill provides that when the certification of a chief law-enforcement officer is required by federal law for transfer of a firearm as defined in the National Firearms Act, such certification must be provided within 60 days if the applicant is not prohibited by law from receiving the firearm. If the applicant is prohibited by law from receiving the firearm, the chief law-enforcement officer or his designee shall notify the applicant in writing of the reason for the prohibition. For the purposes of the bill, the definition of firearm is limited to machine guns, rifles and shotguns of a certain length, weapons made from certain rifles or shotguns, and silencers. If the chief law-enforcement officer fails to provide certification within 60 days, the applicant has a right to an ore tenus hearing in circuit court and, unless the evidence shows that the applicant is prohibited by law from receiving the firearm, the court shall order the chief law-enforcement officer to issue the certification within five business days. The Governor’s veto explanation states:

“Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 2009, which would compel a chief law enforcement officer to provide a certification for the transfer of a machine gun into his locality. Further, House Bill 2009 would create a process to circumvent the chief law enforcement officer if he does not provide a certification within 60 days.

“Under federal law an individual must receive a determination of lawful eligibility at the federal and state level to register to possess a machine gun. Current law allows for the chief law enforcement officer’s discretion in making these determinations. A chief law enforcement officer should not be mandated to approve the transfer of machine guns into his community.

“Virginia families and communities are safer with fewer machine guns. I see no compelling reason to circumvent the current process and force machine gun certifications on local law enforcement officials.”

**HB 2395. Public works contracts; prevailing wage provisions.** The enrolled bill prohibits state agencies from requiring 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 applicable to state agencies when providing grants or other financial assistance for public works projects is also included. In addition, the enrolled bill provides 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 to require the payment of wages or other remuneration at a

rate based on the prevailing wage, whether modeled on the federal Davis-Bacon Act or on a similar law of another state. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 2395, which prohibits a state agency from requiring a bidder, contractor or subcontractor from performing services at rates based on prevailing wages and benefits.

"Virginia does not have a statewide prevailing wage law. Accordingly, this bill would have no impact on state funded procurement projects. Additionally, any project funded in whole or in part by federal dollars must adhere to the Davis-Bacon Act, including its federal prevailing wage provisions.

"Projects and employers who adhere to prevailing wage standards improve the lives of working families, local economies and their communities. This legislation attempts to lower wages and impedes future labor agreements. Virginia's efforts should be focused on increasing wages, thus improving the lives of our citizens, rather than placing artificial restrictions on their future earning potential."

**SB 724. Board of Education; Common Core State Standards.** The enrolled bill prohibits the Board of Education from replacing the educational objectives known as the Standards of Learning with Common Core State Standards without the prior statutory approval of the General Assembly but permits the Board to continue or create an educational standard or assessment that is coincidentally included in the standards referred to as the Common Core State Standards. HB 1752, 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 724, which prohibits the Board of Education from replacing the Standards of Learning with the Common Core State Standards.

"The Commonwealth led the nation nearly two decades ago in the development of statewide educational standards. Virginia's education system is one of the best in the world because of this innovative work. Currently, our state standards meet or exceed the rigor of the Common Core State Standards, while maintaining our independence.

"In June of 2010, the Board of Education echoed this sentiment by unanimously adopting a statement in support of the Standards of Learning and voicing opposition to the Common Core State Standards.

"Virginia's institutions and leaders have made it abundantly clear that adopting the Common Core State Standards would be a step backwards. Clear, rigorous, and trusted standards are necessary to ensure that Virginia's students will be prepared to compete in the 21st century. We are also continuing to improve our accountability system through the work of the SOL Innovation Committee.

"However, while I remain opposed to adopting the Common Core State Standards, I am equally opposed to infringing on the Board's authority by adopting unnecessary legislation which establishes rules upon which we have already agreed.

"Given that neither I nor the Board of Education have any intention of replacing the Standards of Learning with the Common Core State Standards, Senate Bill 724 is unnecessary."

**SB 948. Concealed handgun permits; sharing of information.** The enrolled bill provides that information on concealed handgun permittees in the Virginia Criminal Information Network shall not be shared with law enforcement in states that do not have reciprocity agreements with Virginia for the carrying of concealed handguns. The Governor’s veto explanation states:

“Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto Senate Bill 948, which would prohibit the Virginia State Police from sharing information regarding an individual’s concealed handgun permit status with another state’s law enforcement agencies if that state does not have a reciprocity agreement with Virginia.

“Information sharing is the cornerstone of public safety, and it is essential to our law enforcement officers’ ability to perform their responsibilities safely and efficiently. Criminals are very mobile, and it is only through information sharing that police are able to identify cross-jurisdictional crimes and their perpetrators. Law enforcement agencies must share complete data to be effective. Otherwise agencies work independently in silos, crimes go unsolved, and criminals remain free.

“The sharing of concealed handgun permit information between law enforcement agencies provides officers advanced information concerning whether an individual may be armed. This information is imperative and potentially life-saving. Law enforcement officers face dangerous situations on a daily basis, and they must have the tools and information necessary to accurately assess situations and minimize potential dangers.”

**SB 986. Senate districts; adjustment.** The enrolled bill changes district assignments of two census precincts in Louisa County by moving Fredericks Hall from District 17 to District 22 and South Anna from District 22 to District 17. The Governor’s veto explanation states:

“Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto Senate Bill 986, which proposes to change district assignments of two census precincts in Louisa County.

“Legally, there is some question of the bill’s constitutionality. According to Article II Section 6 of the Virginia Constitution, ‘The General Assembly shall reapportion the Commonwealth into electoral districts in accordance with this section in the year 2011 and every ten years thereafter.’ Proponents of the bill would argue that this language directs the General Assembly to redistrict every ten years, but contains no limitations on the power of the legislature to redistrict in other years. However, in the case of *Little et al. v. Virginia State Board of Elections*, the Richmond Circuit Court interpreted this language to ‘limit the General Assembly’s authority to reapportion Virginia’s electoral districts after the year 2011’ (page 15). This finding by the Court raises serious concerns about the bill’s constitutionality and increases the risks of costly and time-consuming litigation.

“Furthermore, this bill sets a terrible precedent. Allowing the legislature to make substantive changes to electoral districts more frequently than once a decade injects further partisanship into a process that I regard as already too partisan. Annual legislative arguments over redistricting and gerrymandering distract the Commonwealth from the serious challenges we face, as well as undermine the trust of our citizens in their government.”

**SB 1059. Office of the Attorney General; employment of special counsel.** The enrolled bill provides that when entering into a contract with special counsel, the Office of the Governor or Office of the Attorney General, as applicable, must make a copy of the contract available to the public on the website of the Governor or the Attorney General. However, the Attorney General

may temporarily not disclose such information upon making a written determination that such action is necessary to protect attorney-client or otherwise privileged information or that immediate disclosure of the existence of special counsel, or any other sensitive information, could compromise the initiation, handling, or conclusion of any investigation or case matter handled by the Attorney General or special counsel and might put the Commonwealth and its citizens at a disadvantage. The bill also provides that prior to entering into a contract with special counsel, the Attorney General must make a written determination that the representation is both cost effective and in the public interest. In addition, the bill (i) requires the Governor and the Attorney General to submit an annual report to the General Assembly describing the use of contracts for special counsel, (ii) provides that the Attorney General, or counsel to the Governor in cases in which the Attorney General has a conflict, shall retain control over special counsel, and (iii) limits the contingency fee that may be charged by special counsel depending on the amount recovered. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto Senate Bill 1059, which would needlessly impose harmful restrictions on the ability of the Commonwealth to secure specialized legal services and prosecute its cases.

"The cases in which the Office of the Attorney General is involved are varied in both scale and complexity. In today's legal environment, specialization is often required to represent the people of Virginia in a broad spectrum of cases. The engagement of outside counsel in complex, large, or specialized legal matters can help ensure that Virginians' rights and interests are vigorously advanced in court. This bill would unnecessarily hamstring the Attorney General from securing the quality of legal assistance he may, on occasion, need to advance those rights and interests. Further, the bill would interfere with the Office of the Attorney General's ability to secure sufficient representation for certain employees of the Commonwealth, including law enforcement."

**SB 1084. General Assembly Districts; technical adjustments.** The enrolled bill changes district assignments of certain Loudoun County census blocks between Senate Districts 13 and 33 and House of Delegates Districts 10, 32, 33, 67, and 87 in order to follow new precinct boundaries. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto Senate Bill 1084, which proposes to change district assignments of certain Loudoun County census blocks between Senate Districts 13 and 33 and House of Delegates Districts 10, 32, 33, 67 and 87.

"Legally, there is some question of the bill's constitutionality. According to Article II Section 6 of the Virginia Constitution, 'The General Assembly shall reapportion the Commonwealth into electoral districts in accordance with this section in the year 2011 and every ten years thereafter.' Proponents of the bill would argue that this language directs the General Assembly to redistrict every ten years, but contains no limitations on the power of the legislature to redistrict in other years. However, in the case of *Little et al. v. Virginia State Board of Elections*, the Richmond Circuit Court interpreted this language to 'limit the General Assembly's authority to reapportion Virginia's electoral districts after the year 2011' (page 15). This finding by the Court raises serious concerns about the bill's constitutionality and increases the risks of costly and time-consuming litigation.

"Furthermore, this bill sets a terrible precedent. Allowing the legislature to make substantive changes to electoral districts more frequently than once a decade injects further partisanship into

a process that I regard as already too partisan. Annual legislative arguments over redistricting and gerrymandering distract the Commonwealth from the serious challenges we face, as well as undermine the trust of our citizens in their government.”

**SB 1137. Regulation of transportation of a loaded rifle or shotgun.** The enrolled bill provides that any person who holds a valid concealed handgun permit shall not be subject to the provisions of certain local ordinances that make it unlawful for any person to transport, possess, or carry a loaded shotgun or loaded rifle in any vehicle on any public street, road, or highway within such locality. The Governor’s veto explanation states:

“Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto Senate Bill 1137, which would allow a concealed handgun permit holder to have a loaded shotgun or rifle in their vehicle on a public highway in a locality that prohibits transportation of a loaded shotgun or rifle.

“This legislation ignores long-established firearm safety procedures and could endanger law enforcement officers in the line of duty. In 2006, a State Trooper was killed while responding to a vehicle crash. As the crashed vehicle was being loaded on a wrecker, the loaded rifle discharged killing the trooper. No one at the crash scene knew that the loaded rifle was in the vehicle.

“Additionally, there is no relationship between being a valid concealed handgun permit holder and transporting a loaded shotgun or rifle. Concealed handgun permit holders have no required training regarding shotguns or rifles. Therefore, no logical nexus exists to confer on a concealed handgun permit holder a new shotgun or rifle benefit that supersedes local restrictions.

“Protecting law enforcement officers and upholding local firearms safety requirements far outweigh any minor conveniences sought by this legislation.”

**SB 1237. Senate districts; adjustments.** The enrolled bill changes district assignments of census blocks in Albemarle County between Districts 17 and 25 in order to exchange two precincts and to reunite two split precincts. The Governor’s veto explanation states:

“Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto Senate Bill 1237, which proposes to change district assignments of census blocks in Albemarle County between Districts 17 and 25.

“Legally, there is some question of the bill’s constitutionality. According to Article II Section 6 of the Virginia Constitution, ‘The General Assembly shall reapportion the Commonwealth into electoral districts in accordance with this section in the year 2011 and every ten years thereafter.’ Proponents of the bill would argue that this language directs the General Assembly to redistrict every ten years, but contains no limitations on the power of the legislature to redistrict in other years. However, in the case of *Little et al. v. Virginia State Board of Elections*, the Richmond Circuit Court interpreted this language to ‘limit the General Assembly’s authority to reapportion Virginia’s electoral districts after the year 2011’ (page 15). This finding by the Court raises serious concerns about the bill’s constitutionality and increases the risks of costly and time-consuming litigation.

“Furthermore, this bill sets a terrible precedent. Allowing the legislature to make substantive changes to electoral districts more frequently than once a decade injects further partisanship into a process that I regard as already too partisan. Annual legislative arguments over redistricting and gerrymandering distract the Commonwealth from the serious challenges we face, as well as undermine the trust of our citizens in their government.”



## Bills Returned by the Governor (1995-2015)

<b>Session</b>	<b>Governor</b>	<b>Amendments</b>	<b>Vetoes</b>	<b>Total Sent to Governor</b>
1995	Allen	153	11	867
1996		151	9	1,066
1997		155	11	933
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

\*One bill returned with Governor's amendments and acted upon during the 2015 Regular Session is not included in the Governor's Amendments section of this publication.