

Governor's Amendments and Vetoes

2019 General Assembly Session

The Governor vetoed 17 bills and recommended amendments to 47 bills passed by the 2019 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 3. Not summarized in this publication are the Governor's amendments to the Budget Bill.

Governor's Amendments

House Bills

HB 1620. State Board of Elections; membership; appointment of Commissioner of Elections. The enrolled bill grants to the State Board of Elections the authority to appoint the Commissioner of Elections, removing such authority from the Governor. The Governor's amendments remove the provisions of the enrolled bill related to this granting of authority, thus leaving the appointment of the Commissioner of Elections to the Governor as in current law.

The Governor's amendments also include two technical amendments. One adds language to clarify that a Board member's term begins on February 1 of the year of the appointment, while the second fixes the initial staggering of terms for Board members. As amended, a member of the State Board of Elections will rotate off the Board each year, allowing a Governor to appoint a member to the Board each year during his term of office. The enrolled bill also provides for an initial staggering of terms, but that staggering pattern has two members rotating off in a single year and, two years later, three members rotating off. With the term length of Board members being five years, this will have the effect of every other Governor only being able to appoint two Board members during his term of office.

SB 1455, which is identical as enrolled, has the same Governor's amendments.

HB 1661. Association health benefit plans established by associations of employers; health benefit plans for members of certain agricultural organizations. The enrolled bill authorizes a trust, as a benefits consortium, to sell health benefit plans to members of a nonprofit agricultural organization. The Governor's Amendment in the Nature of a Substitute removes the requirement that the sponsoring association be an agricultural organization and instead requires that the sponsoring association operate as a nonprofit entity under § 501(c)(6) of the Internal Revenue Code. The Governor's Amendment in the Nature of a Substitute also requires that any health benefit plan issued by a self-funded multiple-employer welfare arrangement (MEWA) that covers one or more employees of one or more small employers shall (i) provide essential health benefits and cost-sharing requirements, (ii) set premiums based on the collective group experience of its employer members, adjusted only to the extent permitted under existing limitations on rate variation, (iii) be prohibited from establishing discriminatory rules based on health status related to eligibility or premium or contribution requirements as imposed on health carriers, (iv) meet the renewability standards set forth for health insurance issuers, and (v) with

respect to covered lives in the Commonwealth, comply with the medical loss ratio and rebating requirements established by federal law but in no case shall the medical loss ratio fall below 85 percent of the aggregate amount of premiums earned by the self-funded MEWA from health benefit plans issued in the Commonwealth. The Governor's Amendment in the Nature of a Substitute also (a) deletes self-employed individuals from the definition of a small employer; (b) deletes the existing provision that allows a health insurer to impose a preexisting limitation on individual coverage if the exclusion relates to a condition that, during a 12-month period immediately preceding the effective date of coverage, had manifested itself in such a manner as would cause an ordinarily prudent person to seek diagnosis, care, or treatment, or for which medical advice, diagnosis, care or treatment was recommended or received within 12 months immediately preceding the effective date of coverage; (c) requires health plans to include a disclosure statement; (d) removes provisions that exempted sponsoring associations from insurance laws and the tax levied on insurance companies; and (e) requires a benefits consortium to be a self-funded MEWA. The Governor's Amendment in the Nature of a Substitute conforms the enrolled version of HB 1661 to HB 2443 and SB 1689, which bills have the same Governor's Amendment in the Nature of a Substitute.

HB 1719. Campaign Finance Disclosure Act of 2006; applicability to certain candidates for town offices. The enrolled bill makes the provisions of the Campaign Finance Disclosure Act of 2006 (the Act) applicable to any candidate for a town office in a town with a population of less than 25,000 if such candidate accepts contributions or makes expenditures in excess of \$25,000. The Governor's amendment clarifies that it is when contributions are accepted or expenditures are made in excess of \$25,000 *within the candidate's election cycle*, as set out in current law, that such a candidate becomes subject to the provisions of the Act.

HB 1911. Duties of drivers of vehicles approaching stationary vehicles displaying certain warning lights; penalty. The enrolled bill makes a driver's failure to move into a nonadjacent lane on a highway with at least four lanes when approaching a stationary vehicle displaying flashing, blinking, or alternating blue, red, or some amber lights, or, if changing lanes would be unreasonable or unsafe, to proceed with due caution and maintain a safe speed, reckless driving, which is punishable as a Class 1 misdemeanor. Current law provides that such violation is a traffic infraction for a first offense and a Class 1 misdemeanor for a second or subsequent offense. The Governor's Amendment in the Nature of a Substitute provides that failure to move into a nonadjacent lane or reduce speed for towing vehicles and highway maintenance vehicles displaying flashing, blinking, or alternating amber lights is also punishable as reckless driving, a Class 1 misdemeanor. Current law provides that such violation is a traffic infraction.

HB 1915. Expedited review of adverse coverage determinations; cancer patients. The Governor's amendment adds an emergency clause to the bill. SB 1161, which is identical as enrolled, has the same Governor's amendment.

HB 1942. Behavioral health services; exchange of medical and mental health information records; correctional facilities. The enrolled bill requires the State Board of Corrections to establish minimum standards for behavioral health services in local correctional facilities. Such standards are required to include provisions for discharge planning for individuals with serious

mental illness assessed as requiring behavioral health services upon release from local correctional facilities. Such discharge planning is to include the coordination of services and care with community providers and community supervision agencies. The Governor's amendments provide that such coordination of services and care include the individual's family, as appropriate.

HB 2042. Assault and battery against a family or household member; prior conviction; mandatory minimum term of confinement. The enrolled bill provides that upon a conviction for assault and battery against a family or household member where it is alleged in the warrant, petition, information, or indictment on which a person is convicted that such person has been previously convicted of an offense that occurred within a period of 10 years of the instant offense against a family or household member of (i) assault and battery against a family or household member, (ii) malicious wounding or unlawful wounding, (iii) aggravated malicious wounding, (iv) malicious bodily injury by means of a substance, (v) strangulation, or (vi) an offense under the law of any other jurisdiction that has the same elements of any of the above offenses, such person is guilty of a Class 1 misdemeanor and the sentence of such person shall include a mandatory minimum term of confinement of 60 days. The Governor's Amendment in the Nature of a Substitute eliminates the mandatory minimum term of confinement and reduces from 10 years to five years the required period of time for the prior conviction to have occurred in order for the person to be eligible for the aggravated offense. The Governor's Amendment in the Nature of a Substitute also contains technical amendments.

HB 2053. School boards; staffing ratios; guidance counselors. The enrolled bill requires school boards, effective for the 2019-2020 school year, to employ school counselors in accordance with the following ratios: in elementary schools, one hour per day per 91 students, one full-time at 455 students, one hour per day additional time per 91 students or major fraction thereof; in middle schools, one period per 74 students, one full-time at 370 students, one additional period per 74 students or major fraction thereof; and in high schools, one period per 65 students, one full-time at 325 students, one additional period per 65 students or major fraction thereof. The Governor's first amendment does not change the ratios provided for in the enrolled bill for the 2019-2020 school year but provides the following ratios, effective with the 2020-2021 school year: in elementary schools, one hour per day per 75 students, one full-time at 375 students, one hour per day additional time per 75 students or major fraction thereof; in middle schools, one period per 65 students, one full-time at 325 students, one additional period per 65 students or major fraction thereof; in high schools, one period per 60 students, one full-time at 300 students, one additional period per 60 students or major fraction thereof.

Additionally, the enrolled bill provides that notwithstanding any act of the 2019 Regular Session of the General Assembly the ratio of school counselors to students shall be as provided for in the appropriation act. The Governor's second amendment strikes this enactment.

HB 2141. Local services districts; broadband and telecommunications services. The enrolled bill uses 10 MBps (megabytes per second) as the standard for defining an unserved area. The Governor's amendments change the standard to 10 Mbps (megabits per second), which is the more common unit to measure Internet speed.

HB 2234. Parental leave. The enrolled bill provides eight weeks of paid parental leave to state employees for a birth or adoption. The Governor's amendments would make parental leave available for foster care placement. SB 1581, which is identical as enrolled, has the same Governor's amendments.

HB 2252. Firearms ordinances; applicability to property located in multiple localities. The enrolled bill allows a landowner to elect to have the firearms ordinances of one locality apply to all of his contiguous properties where they span multiple localities. The Governor's amendments add a reenactment clause to the enrolled bill and add a requirement to become effective in due course that the Department of Game and Inland Fisheries study issues related to the application of inconsistent local firearms ordinances to properties located in more than one locality and report its findings to the Chairmen of the House Committee on Agriculture, Chesapeake and Natural Resources and the Senate Committee on Agriculture, Conservation and Natural Resources by the first day of the 2020 Regular Session.

HB 2263. Firefighters and Emergency Medical Technicians Procedural Guarantee Act. The enrolled bill provides that any evidence gathered through the conduct of an interrogation that violates the provisions of the Firefighters and Emergency Medical Technicians Procedural Guarantee Act is not admissible in any case against a firefighter or emergency medical services personnel. The Governor's amendment would make such evidence inadmissible only in an administrative hearing.

HB 2296. Rights of persons with disabilities; procedures for certain actions; website accessibility. The enrolled bill provides that when a complaint is filed alleging that the website of a bank, trust company, savings institution, or credit union does not comply with applicable law regarding its accessibility by the vision impaired or hearing impaired, the action shall be commenced no sooner than 120 days after the claimant files a written statement of the nature of the claim. The enrolled bill further provides that a website of a bank, trust company, savings institution, or credit union is in compliance with Virginia's laws prohibiting discrimination against people with disabilities if it meets the Web Content Accessibility Guidelines 2.0 Level AA as developed by the Web Accessibility Initiative. The Governor's Amendment in the Nature of a Substitute retains only the final portion of the enrolled bill, providing that a website is in compliance with Virginia's laws prohibiting discrimination against people with disabilities if it meets the Web Content Accessibility Guidelines 2.0 Level AA.

HB 2303. Sex offenders in emergency shelters; notification of registration. The enrolled bill provides that a registered sex offender who enters an emergency shelter designated by the Commonwealth or any political subdivision thereof and operated in response to a declared state or local emergency shall, as soon as practicable after entry, notify a member of the shelter's staff who is responsible for providing security of such person's status as a registered sex offender, and that any person who fails to notify the shelter's staff of his status as a registered sex offender is guilty of a Class 3 misdemeanor. The enrolled bill also provides that no person shall be denied entry solely on the basis of his status as a sex offender unless such entry is otherwise prohibited by law, but emergency shelter staff may deny entry of a person on such registry who has been convicted of a sexually violent offense for a period of time necessary to ensure the safety of

other individuals admitted to the emergency shelter. The Governor's amendments remove the penalty for a person's failure to notify the shelter of such person's status as a registered sex offender, the provisions providing that no person shall be denied entry into an emergency shelter solely on the basis of his status as a registered sex offender, and the provisions relating to the use of Registry information that is publicly available on the Internet. A Governor's amendment also provides that the state emergency plan and each local or interjurisdictional emergency operations plan shall (i) set forth procedures for persons required to register or reregister to provide notice to the shelter's staff and (ii) provide for the accommodation in an emergency shelter of persons required to register or reregister with due regard to the health and safety of all persons in the emergency shelter. SB 1047, which is identical as enrolled, has the same Governor's amendments.

HB 2306. Long-Term Employment Support Services and Extended Employment Services.

The enrolled bill directs the Department for Aging and Rehabilitative Services (DARS) to refer individuals who qualify for Long-Term Employment Support Services (LTESS) or Extended Employment Support Services (EESS) to any employment services organization that provides competitive or commensurate wages and is eligible to receive state LTESS or EESS funds. The bill also requires DARS to develop and implement a referral process to refer individuals to employment services organizations for services, and establishes the Employment Service Organization Steering Committee (the Committee) to report to and advise the Commissioner of DARS on policy, funding, and the allocation of funds to employment services organizations for LTESS and EESS. The Governor's amendments change the membership of the Committee by reducing from two to one the number of representatives of the Virginia Association of Community Rehabilitation Programs appointed by the Speaker of the House of Delegates and by adding an individual with a disability who is employed in a competitive integrated setting appointed by the Speaker of the House of Delegates. SB 1485, which is identical as enrolled, has the same Governor's amendments.

HB 2328. VPPA; proscribed subcontracting by certain small businesses. The enrolled bill prohibits a small business from subcontracting with any other business with which it has an affiliated business entity relationship if such small business (i) has been awarded a contract by a public body as part of an enhancement or remedial measure authorized by the Governor and (ii) the award of such contract is conditioned upon the small business's qualification as part of a subcategory of small businesses established as part of the enhancement program. The Governor's amendment makes such prohibition discretionary.

HB 2339. Department of Taxation; sharing information with the Department of Social Services. The enrolled bill authorizes the Department of Taxation to share certain tax information with the Department of Social Services. The Governor's amendments specify that the Department of Taxation may share whether an earned income tax credit has been claimed.

HB 2441. Special identification card without a photograph. The Governor's amendment is technical and clarifies that a special identification card, like a driver's license, must be unexpired and unrevoked to be used as proof of legal presence when applying for a special identification card without a photograph.

HB 2443. Group health benefit plans; bona fide associations; benefits consortium. The enrolled bill authorizes certain trusts to sell health benefit plans to members of a sponsoring association that, among other requirements, operates as a nonprofit entity under § 501(c)(6) of the federal Internal Revenue Code. The Governor's Amendment in the Nature of a Substitute requires that any health benefit plan issued by a self-funded multiple-employer welfare arrangement (MEWA) that covers one or more employees of one or more small employers shall (i) provide essential health benefits and cost-sharing requirements, (ii) set premiums based on the collective group experience of its employer members, adjusted only to the extent permitted under existing limitations on rate variation, (iii) be prohibited from establishing discriminatory rules based on health status related to eligibility or premium or contribution requirements as imposed on health carriers, (iv) meet the renewability standards set forth for health insurance issuers, and (v) with respect to covered lives in the Commonwealth, comply with the medical loss ratio and rebating requirements established by federal law but in no case shall the medical loss ratio fall below 85 percent of the aggregate amount of premiums earned by the self-funded MEWA from health benefit plans issued in the Commonwealth. The Governor's Amendment in the Nature of a Substitute also (a) deletes self-employed individuals from the definition of a small employer; (b) deletes the existing provision that allows a health insurer to impose a preexisting limitation on individual coverage if the exclusion relates to a condition that, during a 12-month period immediately preceding the effective date of coverage, had manifested itself in such a manner as would cause an ordinarily prudent person to seek diagnosis, care, or treatment, or for which medical advice, diagnosis, care or treatment was recommended or received within 12 months immediately preceding the effective date of coverage; (c) requires health plans to include a disclosure statement; (d) removes provisions that exempted sponsoring associations from insurance laws and the tax levied on insurance companies; and (e) requires a benefits consortium to be a self-funded MEWA. The Governor's Amendment in the Nature of a Substitute conforms the enrolled version of HB 2443 to HB 1661 and SB 1689, which bills have the same Governor's Amendment in the Nature of a Substitute.

HB 2477. Electric utilities; licensed retail suppliers. The enrolled bill requires customers of certain electric utilities, after opting to purchase energy from a competing supplier, to continue to pay their incumbent electric utility for non-fuel generation capacity and transmission related costs. The enrolled bill exempts agreements entered into before February 1, 2019, and customers of licensed suppliers that had aggregation petitions pending before the State Corporation Commission prior to January 1, 2019. The Governor's amendment provides that these two exemptions will not apply unless and until such a customer has returned to purchase electric energy from its incumbent electric utility and is receiving electric energy from such incumbent electric utility.

HB 2528. Felony homicide; certain drug offenses; penalty. The enrolled bill provides that a person is guilty of felony homicide, which constitutes second degree murder and is punishable by confinement of not less than five nor more than 40 years, if the underlying felonious act that resulted in the killing of another involved the manufacture, sale, gift, or distribution of a Schedule I or II controlled substance to another and (i) such other person's death results from his use of the controlled substance and (ii) the controlled substance is the proximate cause of his

death. The Governor's Amendment in the Nature of a Substitute eliminates from the enrolled bill the gifting or distribution of a Schedule I or II controlled substance as a predicate offense for felony homicide. The Governor's Amendment in the Nature of a Substitute also provides an affirmative defense to such offense if such person sold a controlled substance classified in Schedule I or II to another individual and (a) such person, in good faith, seeks or obtains emergency medical attention for the other individual, if such other individual is experiencing an overdose, by contemporaneously reporting such overdose to a firefighter, emergency medical services personnel, a law-enforcement officer, or an emergency 911 system; (b) such person (1) remains at the scene of the overdose until a law-enforcement officer responds to the report of an overdose or (2) if transported by a firefighter or emergency medical services personnel responding to the report of the overdose for emergency medical attention prior to the arrival of a law-enforcement officer, remains at the location to which he was transported until a law-enforcement officer responds to the report of an overdose at such location; and (c) such person identifies himself to the law-enforcement officer who responds to the report of the overdose.

HB 2546. Maternal Mortality Review Team established. The enrolled bill establishes the Maternal Mortality Review Team to develop and implement procedures to ensure that maternal deaths occurring in the Commonwealth are analyzed in a systematic way. The Governor's amendments make a technical correction to make the name of the Maternal Mortality Review Team consistent throughout the bill. The amendments also add the Virginia Midwives Alliance to the membership of the Maternal Mortality Review Team and adjust provisions for the initial staggering of terms of members.

HB 2615. Capital murder; punishment. The enrolled bill provides that any person convicted of capital murder who was 18 years of age or older at the time of the offense shall be sentenced to no less than a mandatory minimum term of confinement for life. The Governor's amendment provides that only a person convicted of capital murder of a law-enforcement officer or certain other public safety officials who was 18 years of age or older at the time of the offense shall be sentenced to no less than a mandatory minimum term of confinement for life.

HB 2664. Wage payment statements. The enrolled bill requires each employer to provide on each regular pay date a written statement containing specified information. The Governor's amendment clarifies that the statement is required only to show the gross wages earned by the employee during the pay period. SB 1696, which is identical as enrolled, has the same Governor's amendment.

HB 2686. Board of zoning appeals; vote requirement. The enrolled bill changes the vote requirement for certain board of zoning appeals decisions from a majority of the membership to a majority of the members present and voting. The Governor's amendments make this change optional and require a locality to pass an ordinance to implement the change.

HB 2718. Interstate 81 Corridor Improvement Program and Fund. The enrolled bill creates an Interstate 81 Committee, tasked with developing and updating a program related to Interstate 81 corridor safety and improvements, and creates an Interstate 81 Corridor Improvement Fund (the Fund). The enrolled bill does not dedicate any revenues to the Fund. The Governor's

amendments provide revenues for the Fund through the creation of a new registration fee, a diesel tax, a regional gas tax, and a roads tax. The new registration fee would apply to nonpassenger vehicles weighing over 10,000 pounds. Additionally, private and for-hire nonpassenger vehicles would pay the existing registration fee at the rate currently paid by for-hire vehicles. Beginning July 1, 2021, a tax at the rate of 2.03 percent of the statewide average wholesale price of a gallon of diesel fuel would be imposed statewide on the sale of diesel fuel. A regional gas tax, like the tax imposed in the Northern Virginia and Hampton Roads regions, would be applied to the sale of gasoline and diesel at a rate of 2.1 percent of the statewide average price of a gallon of gasoline and diesel fuels. The existing roads tax, currently \$0.035 per gallon of fuel, would be determined annually by the Commissioner of the Department of Motor Vehicles by multiplying the average fuel economy (defined in the amendment as the total taxable miles driven in the Commonwealth divided by the total taxable gallons of fuel consumed in the Commonwealth, as reported on International Fuel Tax Agreement Returns) by \$0.01125 for fiscal year 2020, and by \$0.0225 for fiscal year 2021 and each year thereafter. All of the revenues generated by the regional gas tax would be deposited in the Fund. The other new revenues would be apportioned among the Fund, the Northern Virginia Transportation Authority Fund, and the Commonwealth Transportation Board for use in other interstate corridors based upon total vehicle miles traveled by vehicles classified as Class 6 or higher on Interstate 81, interstates within the boundaries of Planning District 8, and other interstate corridors, respectively, as compared with total vehicle miles traveled on interstates in the Commonwealth by vehicles classified as Class 6 or higher. SB 1716, which is identical as enrolled, has the same Governor's amendments.

HB 2762. Firefighting foam management. Technical amendments.

HB 2766. Certificate of public need; conditions; triennial review. The enrolled bill directs the Commissioner of Health (i) to review charity care conditions on certificates of public need at least once every three years to determine whether conditions continue to be appropriate or should be revised and (ii) to notify the certificate holder as to his conclusions and the process for requesting changes to conditions on an existing certificate. The Governor's amendment excludes nursing homes from the charity care reporting requirements of the bill. A similar amendment was adopted by the General Assembly in this bill but was only made to § 32.1-102.2 as it is currently effective until July 1, 2019, and was not made to § 32.1-102.2 as it shall become effective on July 1, 2019. Thus, without this amendment from the Governor, the amendment adopted by the General Assembly will not be effective with the rest of the bill.

Senate Bills

SB 1025. Tethering of animals; adequate shelter and space. The enrolled bill defines “adequate space” in the context of a tethered animal to mean that the tether is at least 10 feet in length or three times the length of the animal, whichever is greater. The enrolled bill also excludes the tethering provisions of the definition of “adequate space” from application to agricultural animals. The Governor’s amendments extend the minimum length of the tether to 15 feet or four times the length of the animal and eliminate the exclusion of agricultural animals from the application of the tethering provisions.

SB 1047. Sex offenders in emergency shelters; notification of registration. The enrolled bill provides that a registered sex offender who enters an emergency shelter designated by the Commonwealth or any political subdivision thereof and operated in response to a declared state or local emergency shall, as soon as practicable after entry, notify a member of the shelter’s staff who is responsible for providing security of such person’s status as a registered sex offender, and that any person who fails to notify the shelter’s staff of his status as a registered sex offender is guilty of a Class 3 misdemeanor. The enrolled bill also provides that no person shall be denied entry solely on the basis of his status as a sex offender unless such entry is otherwise prohibited by law, but emergency shelter staff may deny entry of a person on such registry who has been convicted of a sexually violent offense for a period of time necessary to ensure the safety of other individuals admitted to the emergency shelter. The Governor’s amendments remove the penalty for a person’s failure to notify the shelter of such person’s status as a registered sex offender, the provisions providing that no person shall be denied entry into an emergency shelter solely on the basis of his status as a registered sex offender, and the provisions relating to the use of Registry information that is publicly available on the Internet. A Governor’s amendment also provides that the state emergency plan and each local or interjurisdictional emergency operations plan shall (i) set forth procedures for persons required to register or reregister who enter an emergency shelter to provide notice to the shelter’s staff and (ii) provide for the accommodation in an emergency shelter of persons required to register or reregister with due regard to the health and safety of all persons in the emergency shelter. HB 2303, which is identical as enrolled, has the same Governor’s amendments.

SB 1087. Election Districts; remedying split precincts; technical adjustments permitted. The enrolled bill authorizes the General Assembly to make technical adjustments to legislative district boundaries subsequent to a decennial redistricting solely for the purpose of causing legislative district boundaries to coincide with local voting precinct boundaries.

The Governor’s Amendment in the Nature of a Substitute requires counties, cities, and towns to adjust local election district lines to coincide with congressional or state legislative district lines established by the General Assembly. The Governor’s Amendment in the Nature of a Substitute requires precincts to be wholly contained within a single congressional district, Senate district, House of Delegates district, or local election district, and directs local governing bodies to establish precinct boundaries immediately after the completion of the General Assembly’s decennial redistricting so that each precinct is so wholly contained. The Governor’s Amendment in the Nature of a Substitute further provides that if a locality is unable to comply with this

requirement, it shall apply to the State Board of Elections for a waiver to administer a split precinct and the State Board is permitted to grant that waiver or to direct the locality to create a precinct with fewer than the required number of registered voters, as it deems appropriate.

The Governor's Amendment in the Nature of a Substitute is identical to SB 1087 as it was introduced and passed the Senate.

SB 1161. Expedited review of adverse coverage determinations; cancer patients. The Governor's amendment adds an emergency clause to the bill. HB 1915, which is identical as enrolled, has the same Governor's amendment.

SB 1455. State Board of Elections; membership; appointment of Commissioner of Elections. The enrolled bill grants to the State Board of Elections the authority to appoint the Commissioner of Elections, removing this authority from the Governor. The Governor's amendments remove the provisions of the enrolled bill related to this grant of authority, thus leaving the appointment of the Commissioner of Elections to the Governor as in current law.

The Governor's amendments also include two technical amendments. One adds language to clarify that a Board member's term begins on February 1 of the year of the appointment, while the second fixes the initial staggering of terms for Board members. As amended, a member of the State Board of Elections will rotate off the Board each year, allowing a Governor to appoint a member to the Board each year during his term of office. The enrolled bill also provides for an initial staggering of terms, but that staggering pattern has two members rotating off in a single year and, two years later, three members rotating off. With the term length of Board members being five years, this will have the effect of every other Governor only being able to appoint two Board members during his term of office.

HB 1620, which is identical as enrolled, has the same Governor's amendments.

SB 1485. Long-Term Employment Support Services and Extended Employment Services. The enrolled bill directs the Department for Aging and Rehabilitative Services (DARS) to refer individuals who qualify for Long-Term Employment Support Services (LTESS) or Extended Employment Support Services (EESS) to any employment services organization that provides competitive or commensurate wages and is eligible to receive state LTESS or EESS funds. The bill also requires DARS to develop and implement a referral process to refer individuals to employment services organizations for services, and establishes the Employment Service Organization Steering Committee (the Committee) to report to and advise the Commissioner of DARS on policy, funding, and the allocation of funds to employment services organizations for LTESS and EESS. The Governor's amendments change the membership of the Committee by reducing from two to one the number of representatives of the Virginia Association of Community Rehabilitation Programs appointed by the Speaker of the House of Delegates and by adding an individual with a disability who is employed in a competitive integrated setting appointed by the Speaker of the House of Delegates. HB 2306, which is identical as enrolled, has the same Governor's amendments.

SB 1494. Firefighters and Emergency Medical Technicians Procedural Guarantee Act. The enrolled bill provides that any evidence gathered through the conduct of an interrogation that violates the provisions of the Firefighters and Emergency Medical Technicians Procedural Guarantee Act is not admissible in any case against a firefighter or emergency medical services personnel. The Governor's amendment would make such evidence inadmissible only in an administrative hearing.

SB 1521. Handheld photo speed monitoring devices. The Governor's amendment adds a reenactment clause to the enrolled bill and adds a requirement to become effective in due course that the Secretary of Public Safety and Homeland Security, in consultation with the Virginia State Police, the Virginia Sheriffs' Association, and the Virginia Association of Chiefs of Police, review the proposed use of handheld photo speed monitoring devices in the bill, consider the legal and constitutional implications of dedicating civil penalties to a fund other than the Literary Fund, and report on the results of such review to the Chairmen of the Senate Committee for Courts of Justice, the Senate Committee on Finance, the House Committee for Courts of Justice, and the House Committee on Appropriations by November 1, 2019.

SB 1554. FOIA; violations and civil penalties. The enrolled bill provides (i) that if a court finds that any officer, employee, or member of a public body failed to provide public records to a requester in accordance with the provisions of the Freedom of Information Act (FOIA) because such officer, employee, or member of a public body altered or destroyed the requested public records with the intention of avoiding the provisions of FOIA prior to the expiration of the applicable record retention period, the court may impose upon such officer, employee, or member in his individual capacity a civil penalty of up to \$100 per record altered or destroyed and (ii) that if a court finds that a member of a public body voted to certify a closed meeting and at the time of such certification an attorney representing the body was present and such certification was not in accordance with the requirements of FOIA, the court may impose on the public body a civil penalty of up to \$1,000. The Governor's amendments specify that the intent required to find a violation pursuant to portions of the enrolled bill described in clause (i) is to avoid the provisions of FOIA with respect to a specific request. The Governor's amendments pursuant to portions of the enrolled bill described in clause (ii) remove the requirement that the public body's attorney be present in order to find fault and provide mitigating factors a court must consider in determining whether a civil penalty is appropriate.

SB 1579. Standards and criteria for congressional and state legislative districts. The enrolled bill provides criteria by which congressional and state legislative districts are to be drawn, including equal population, racial and ethnic fairness, respect for existing political boundaries, contiguity, compactness, and communities of interest, and provides that such criteria would apply to those districts drawn following the 2020 United States Census and thereafter.

The Governor's amendments make changes to the criteria related to equal population, compactness, and contiguity. The enrolled bill requires Senate and House of Delegates districts to have populations that are as substantially equal to the population of every other such district as practicable and Congressional districts to have populations that are as nearly equal as practicable. The Governor's amendments require districts to be constituted so as to give, as nearly as is

practicable, representation in proportion to the population of the district. The Governor's amendments also delete language from the enrolled bill defining compactness and contiguity, while retaining the requirement that districts be compact and contiguous.

The Governor's amendments make changes to the requirement that districts be drawn in accordance with laws addressing racial and ethnic fairness. The enrolled bill requires districts to be drawn in accordance with the requirements of federal and state laws, and judicial decisions interpreting such laws, that address racial and ethnic fairness, including the Equal Protection Clause of the Constitution of the United States and the provisions of the federal Voting Rights Act of 1965, as amended. The Governor's amendments would require districts to be drawn in accordance with the requirements of the Constitution of the United States, including the Equal Protection Clause of the Fourteenth Amendment, and the Constitution of Virginia; federal and state laws, including the federal Voting Rights Act of 1965, as amended; and relevant judicial decisions relating to racial and ethnic fairness.

The Governor's amendments replace the criteria related to existing communities of interest. The enrolled bill allows for consideration to be given to communities of interest by creating districts that do not carve up homogeneous neighborhoods or separate groups of people living in an area with similar interests or needs in transportation, employment, or culture. As amended, consideration of existing communities of interest is required to be respected to the maximum extent possible. Districts are required to be drawn in such a way as to avoid dividing communities of interest without violating the requirements of the other criteria and the division of homogenous neighborhoods or any geographically defined group of people living in an area who share similar social, cultural, and economic interests is prohibited. The Governor's amendments also provide that a community of interest does not include a community based upon political affiliation or relationship with a political party, elected official, or candidate for office.

The Governor's amendments change the requirement that existing political boundaries be respected to the maximum extent possible, instead requiring that such boundaries be considered. The amendments also remove language explaining what political boundaries include and defining "clearly observable boundaries."

The Governor's amendments also add two additional criteria. First, districts are prohibited from being drawn with the purpose of or having the effect of denying or abridging the right to vote on account of race, ethnicity, or color, or to restrict or deny the ability of any racial or language minority to participate in the political process and to elect a preferred candidate of their choice. Second, districts are prohibited from being drawn for the purpose of favoring or disfavoring any political party, incumbent legislator or member of Congress, or other individual or entity. The Governor's amendments prohibit the use of political data, including addresses of incumbent legislators or members of Congress, political affiliations of voters, or previous election results, in the drawing of any district, except as may be necessary to ensure that racial or language minority groups are able to elect a preferred candidate of choice.

Lastly, the Governor's amendments change the effective date of the bill. The enrolled bill provided that the criteria would apply to districts drawn following the 2020 United States Census

and thereafter. The Governor's amendments provide that the effective date of the bill is April 1, 2020.

SB 1581. Parental leave. The enrolled bill provides eight weeks of paid parental leave to state employees for a birth or adoption. The Governor's amendments would make parental leave available for foster care placement. HB 2234, which is identical as enrolled, has the same Governor's amendments.

SB 1592. Department of Small Business and Supplier Diversity; certification of certain small businesses. The Governor's amendment adds a reenactment clause to the bill.

SB 1675. Killing or injuring police animals; penalty. The enrolled bill requires a mandatory minimum term of imprisonment of six months for any person who maliciously kills or injures an animal owned, used, or trained by a law-enforcement agency, regional jail, or the Department of Corrections while such animal is performing its lawful duties or is being kept in a kennel, pen, or stable while off duty. The Governor's amendment removes the mandatory minimum term of imprisonment, providing instead that the sentence for such person shall include a term of imprisonment of at least six months. A technical amendment is also made.

SB 1689. Group health benefit plans; bona fide associations; benefits consortium. The enrolled bill authorized certain trusts to sell health benefit plans to members of a sponsoring association that, among other requirements, operates as a nonprofit entity under § 501(c)(6) of the federal Internal Revenue Code. The Governor's Amendment in the Nature of a Substitute requires that any health benefit plan issued by a self-funded multiple-employer welfare arrangement (MEWA) that covers one or more employees of one or more small employers shall (i) provide essential health benefits and cost-sharing requirements, (ii) set premiums based on the collective group experience of its employer members, adjusted only to the extent permitted under existing limitations on rate variation, (iii) be prohibited from establishing discriminatory rules based on health status related to eligibility or premium or contribution requirements as imposed on health carriers, (iv) meet the renewability standards set forth for health insurance issuers, and (v) with respect to covered lives in the Commonwealth, comply with the medical loss ratio and rebating requirements established by federal law but in no case shall the medical loss ratio fall below 85 percent of the aggregate amount of premiums earned by the self-funded MEWA from health benefit plans issued in the Commonwealth. The Governor's Amendment in the Nature of a Substitute also (a) deletes self-employed individuals from the definition of a small employer; (b) deletes the existing provision that allows a health insurer to impose a preexisting limitation on individual coverage if the exclusion relates to a condition that, during a 12-month period immediately preceding the effective date of coverage, had manifested itself in such a manner as would cause an ordinarily prudent person to seek diagnosis, care, or treatment, or for which medical advice, diagnosis, care or treatment was recommended or received within 12 months immediately preceding the effective date of coverage; (c) requires health plans to include a disclosure statement; (d) removes provisions that exempted sponsoring associations from insurance laws and the tax levied on insurance companies; (e) requires a benefits consortium to be a self-funded MEWA; and (f) deletes a provision that allowed single-member business entities without employees to qualify as members. The Governor's Amendment in the Nature of

a Substitute conforms the enrolled version of SB 1689 to HB 1661 and HB 2443, which bills have the same Governor's Amendment in the Nature of a Substitute.

SB 1696. Wage payment statements. The enrolled bill requires each employer to provide on each regular pay date a written statement containing specified information. The Governor's amendment clarifies that the statement is required only to show the gross wages earned by the employee during the pay period. HB 2664, which is identical as enrolled, has the same Governor's amendment.

SB 1716. Interstate 81 Corridor Improvement Program and Fund. The enrolled bill creates an Interstate 81 Committee, tasked with developing and updating a program related to Interstate 81 corridor safety and improvements, and creates an Interstate 81 Corridor Improvement Fund (the Fund). The bill does not dedicate any revenues to the Fund. The Governor's amendments provide revenues for the Fund through the creation of a new registration fee, a diesel tax, a regional gas tax, and a roads tax. The new registration fee would apply to nonpassenger vehicles weighing over 10,000 pounds. Additionally, private and for-hire nonpassenger vehicles would pay the existing registration fee at the rate currently paid by for-hire vehicles. Beginning July 1, 2021, a tax at the rate of 2.03 percent of the statewide average wholesale price of a gallon of diesel fuel would be imposed statewide on the sale of diesel fuel. A regional gas tax, like the tax imposed in the Northern Virginia and Hampton Roads regions, would be applied to the sale of gasoline and diesel at a rate of 2.1 percent of the statewide average price of a gallon of gasoline and diesel fuels. The existing roads tax, currently \$0.035 per gallon of fuel, would be determined annually by the Commissioner of the Department of Motor Vehicles by multiplying the average fuel economy (defined in the amendments as the total taxable miles driven in the Commonwealth divided by the total taxable gallons of fuel consumed in the Commonwealth, as reported on International Fuel Tax Agreement Returns) by \$0.01125 for fiscal year 2020, and by \$0.0225 for fiscal year 2021 and each year thereafter. All of the revenues generated by the regional gas tax would be deposited in the Fund. The other new revenues would be apportioned among the Fund, the Northern Virginia Transportation Authority Fund, and the Commonwealth Transportation Board for use in other interstate corridors based upon total vehicle miles traveled by vehicles classified as Class 6 or higher on Interstate 81, interstates within the boundaries of Planning District 8, and other interstate corridors, respectively, as compared with total vehicle miles traveled on interstates in the Commonwealth by vehicles classified as Class 6 or higher. HB 2718, which is identical as enrolled, has the same Governor's amendments.

SB 1737. Civil relief; citizens of the Commonwealth furloughed or otherwise not receiving wages or payments due to partial closure of the federal government. The Governor's amendment adds an emergency clause to the bill.

SB 1768. Use of handheld personal communications devices; highway work zones; penalty. The enrolled bill prohibits any person from holding a handheld personal communications device in his hand while driving a motor vehicle in a highway work zone, with certain exceptions. The Governor's amendments expand the prohibition to prohibit any person from holding a handheld personal communications device while driving a motor vehicle on the highways in the Commonwealth, with certain exceptions. The Governor's amendments also expand the

exceptions to the prohibition to include the use of a handheld personal communications device (i) as an amateur radio or a citizens band radio or (ii) for official Department of Transportation or traffic incident management services.

Governor's Vetoes

HB 2034. General registrars; petition for removal. The enrolled bill provides for the removal of a general registrar by the circuit court upon a petition signed by a majority of members of the local electoral board. Currently, a local electoral board may remove a general registrar with a majority vote. The bill requires the Virginia Division of Risk Management to assign counsel to the defense of any member of a local electoral board or general registrar subject to a petition for removal, upon that member's or registrar's application. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 2034. This legislation would require electoral boards to petition the circuit court for the removal of a general registrar.

Virginia law already provides specific circumstances in which a registrar can be removed. House Bill 2034 would allow only the circuit court to remove a general registrar at the request of a majority of the members of the State Board of Elections or local electoral board. This legislation makes the process of removing a general registrar more onerous, costly, and time consuming and could have unintended consequences. The legislation removes the ability for immediate or emergency removal of a general registrar in situations when warranted. Such emergency removal prevents a registrar from egregiously breaking the law or committing other inappropriate acts to hold his or her position until a judicial process has taken place. Furthermore, this bill requires personnel issues, often delicate, to be discussed in a public forum. House Bill 2034 puts the integrity of Virginia's elections in question.

This legislation has far too many unintended consequences. We should work together to create a solution that would benefit electoral boards, general registrars, and most importantly the voters of the Commonwealth of Virginia.

Accordingly, I veto this bill."

HB 2142. School protection officers; minimum training standards; exemption. The enrolled bill defines a school protection officer as a retired law-enforcement officer hired on a part-time basis by the local law-enforcement agency to provide limited law-enforcement and security services to Virginia public elementary and secondary schools. The bill also provides that the Department of Criminal Justice Services shall establish compulsory minimum training standards for all persons employed as school protection officers and that such training may be provided by the employing law-enforcement agency and shall be graduated and based on the type of duties to be performed. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of the Virginia, I veto House Bill 2142, which creates school protection officers, a new type of officer who would be permitted to operate in public schools. According to this bill, school protection officers would be employees of a local law-enforcement agency and would provide "limited law-enforcement and security services" in public schools. The bill further provides that the Department of Criminal Justice Services (DCJS) would develop training standards for school protection officers and that such training may be

provided by the employing law-enforcement agency and would be graduated based upon the duties performed.

Virginia law already provides for two types of officers to protect the safety of the Commonwealth's students and schools: school resource officers and school security officers. School resource officers and school security officers have well-defined duties and responsibilities set forth in the Code of Virginia and are required to meet stringent training standards that are administered uniformly through the DCJS certification process. In stark contrast, the bill neither delineates what duties school protection officers would be authorized to perform nor defines the "limited" law-enforcement services to be provided by school protection officers.

In addition, the bill gives DCJS the impossible task of developing training standards for an officer whose duties are undefined and could vary significantly depending on the employing local law-enforcement agency. Further, as the bill enables the local law-enforcement agency employing the school protection officer to conduct the officer's training, such training would not be subject to the same level of oversight as the training of school resource officers or school security officers.

The inadequacy of the bill's provisions regarding school protection officer training is especially concerning in light of the Governor's Student Safety Work Group recommendation to increase training for school resource officers. The General Assembly's endorsement of the position that more, not less, training will better serve Virginia's students and schools is reflected in its passage of House Bill 2609 and Senate Bill 1130, both of which mandate that all school resource officers undergo increased training.

Allowing a new type of officer with undefined duties and indeterminate training will not serve to make Virginia's students and schools safer. Therefore, there is no compelling reason to create school protection officers when Virginia law already provides for two types of trained officers to provide security in the Commonwealth's schools.

Accordingly, I veto this bill."

HB 2253. Nonresident concealed handgun permits; time of issuance. The enrolled bill requires the Department of State Police (Department) to issue a concealed handgun permit to a nonresident within 90 days of receipt of the nonresident's completed application unless it determines that he is disqualified. The bill provides that the Department shall certify the nonresident's application as a de facto concealed handgun permit, which is effective for a period of 90 days after issuance, if the Department has not issued the permit or determined that the nonresident is disqualified within that 90-day period. The bill has a delayed effective date of October 1, 2019. The Governor's veto explanation states:

"Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 2253, which would create public safety concerns, place an arbitrary and overly burdensome mandate on the Virginia Department of State Police, and irresponsibly utilize taxpayer dollars to prioritize nonresident applications over resident needs.

This legislation has significant public safety implications, as it would require the Virginia Department of State Police to issue a de facto nonresident concealed handgun permit if the agency fails to complete its review of an application within 90 days. This not only places an arbitrary and burdensome mandate on the Virginia Department of State Police, but would also undoubtedly result in ineligible nonresidents obtaining permits. In order to protect public safety, it is critical that the Virginia Department of State Police be afforded the necessary time to review all available criminal history information and fully investigate each application.

Additionally, this legislation would force the Virginia Department of State Police to use already limited staff and taxpayer dollars to expedite processing of nonresident requests to meet this unreasonable requirement. As governor, it is my responsibility to ensure good stewardship of taxpayer dollars and resources.

Accordingly, I veto this bill.”

HB 2260. Health insurance; catastrophic health plans. The enrolled bill authorizes health carriers to offer catastrophic plans on the individual market and to offer such plans to all individuals. The measure provides that a catastrophic plan is deemed to provide an essential health benefits package and to meet certain requirements of federal law. A catastrophic plan is a high-deductible health care plan that provides essential health benefits and coverage for at least three primary care visits per policy year. Under the federal Affordable Care Act, catastrophic plans satisfy requirements that health benefit plans provide minimum levels of coverage only if they cover individuals who are under 30 years of age or who qualify for a hardship exemption or affordability exemption. The measure requires the Commissioner of Insurance to apply to the federal government for a state innovation waiver allowing the implementation of the provision. The provision will become effective 30 days after the Commissioner notifies certain persons that the request has been approved. This bill is identical to SB 1027. The Governor’s veto explanation states:

“Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 2260, which would direct the Commissioner of Insurance to request federal permission for insurance carriers to offer catastrophic plans to all individuals purchasing coverage through the Marketplace.

This legislation would place consumers at risk of being underinsured and would fragment Virginia’s federal marketplace risk pool, leading to rapidly increasing premiums. House Bill 2260 would allow insurance carriers and individuals to circumvent the protections in the Affordable Care Act. Under current law, catastrophic plans are only available for individuals who are younger than 30 years of age and individuals who qualify for a hardship or affordability exemption. Catastrophic plans typically have lower premiums because they require individuals to have very high deductibles before the plan pays for health care costs. Many individuals enrolled in a catastrophic health plan may forego medical services because of cost. Individuals with minimal health care needs are more likely to purchase these threadbare plans, leaving individuals with more complex medical conditions in traditional marketplace plans. This adverse selection would likely contribute to an increase in Virginia marketplace premiums across the board.

Virginia took a positive step to increase the availability of quality, affordable, and comprehensive health care coverage through Medicaid expansion for individuals whose income is lower than 138% of the Federal Poverty Line. Our responsibility now is to look at solutions such as those proposed by the Market Stability Workgroup in order to improve affordability across the Commonwealth's health insurance markets. House Bill 2260 would undermine those efforts.

Accordingly, I veto this bill.”

HB 2269. Regional transportation sector emissions programs; participation by Commonwealth. The enrolled bill prohibits the Governor or any state agency from adopting any regulation establishing or bringing about the participation by the Commonwealth in the Transportation and Climate Initiative or any other regional transportation sector emissions program. The bill provides that the Commonwealth shall be allowed to participate in such a regional transportation sector emission program if the House of Delegates and the Senate of Virginia each adopt a resolution by two-thirds vote that specifically references and approves the regulatory text proposed for adoption by a state agency. The Governor's veto explanation states:

“Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 2269. This bill would prohibit the Governor, local governments, and a majority of those voting in the General Assembly from enacting or entering any regional program to reduce air pollution from vehicles and other transportation sources unless explicitly authorized by a super-majority (two-thirds) vote of the General Assembly.

Climate change, extreme weather, and sea level rise endanger public safety, economic vitality and the natural and built environments. To address these challenges and protect the people of Virginia, the Commonwealth must be able to use all available tools to combat climate change.

These tools include the ability to adopt regulations, rules, and guidance that mitigate the impacts of climate change by reducing carbon pollution in the Commonwealth. The Governor and state agencies should not be limited in their ability to protect the environment and in turn, the citizens of the Commonwealth.

America's leaders have taken several bipartisan actions to protect human health from air pollution, as they did with the Clean Air Act of 1970 and the amendments to it in 1977 and 1990. Slowing climate change and reducing its potentially devastating impacts should be no different, especially in a Commonwealth that faces some of the worst climate-related challenges of any state.

Like other air pollutants, the emissions that cause climate change do not respect state lines, district lines, or other political boundaries. In the absence of a federal plan, Virginia is obligated to join other states and face this threat to our collective public safety and economic health.

Finally, House Bill 2269 violates two provisions of the Virginia Constitution: Article III, Section 1 (Separation of Powers) and Article IV, Section 11 (Enactment of Laws).

Accordingly, I veto this bill.”

HB 2270. Release of certain incarcerated aliens from jail; notice to Immigration and Customs Enforcement. The enrolled bill requires that the sheriff, jail superintendent, or other official in charge of a local correctional facility or a regional jail in which an alien is incarcerated shall notify U.S. Immigration and Customs Enforcement of the release or discharge of the alien forthwith as soon as the release date is known. The Governor’s veto explanation states:

“Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 2270, which imposes an unnecessary requirement upon localities regarding the enforcement of federal immigration laws.

Local and regional correctional facilities have, and should retain, discretion to determine how they choose to engage with federal immigration agencies. This legislation impedes decision-making by administrators of these facilities by eliminating that discretion.

Public safety agencies across the Commonwealth have a long tradition of engaging in community policing strategies, and many have recognized how important it is to develop a relationship with immigrant communities in order to keep all of those who live within the locality safe. The safety of our communities requires that all people, whether they are documented or not, feel comfortable, supported and protected by our public safety agencies.

There are many actions we can take to support public safety and keep Virginians safe. Eliminating local discretion and impeding local decision-making are not appropriate options. Were it to become law, this bill would send a clear message to people across the Commonwealth that our public safety agencies are to be feared and avoided rather than trusted and engaged.

Accordingly, I veto this bill.”

HB 2611. Regional Greenhouse Gas Initiative; prohibition on participation by the Commonwealth. The enrolled bill prohibits the Governor or any state agency from adopting any regulation establishing a carbon dioxide cap-and-trade program or bringing about the participation by the Commonwealth in a regional market for the trading of carbon dioxide allowances. The bill provides that the Commonwealth shall be allowed to participate in such a cap-and-trade program if the House of Delegates and the Senate of Virginia each adopt a resolution by a two-thirds vote that specifically references and approves the regulatory text proposed for adoption by a state agency. The Governor’s veto explanation states:

“Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 2611. This bill would prohibit the Governor, local governments, and a majority of those voting in the General Assembly from enacting or entering any regional program to reduce carbon dioxide air pollution from power plants unless explicitly authorized by a super-majority (two-thirds) vote of the General Assembly.

Climate change, extreme weather, and sea level rise endanger public safety, economic vitality and the natural and built environments. To address these challenges and protect the people of Virginia, the Commonwealth must be able to use all available tools to combat climate change.

These tools include the ability to adopt regulations, rules, and guidance that mitigate the impacts of climate change by reducing carbon pollution in the Commonwealth. In addition, allowing energy producers to comply with regulation through credit trading would lessen costs to producers and consumers while generating revenue that could be spent to make Virginia more resilient to extreme weather events, sea level rise, and flooding.

We should not be limited in our ability to protect the environment and in turn, the citizens of the Commonwealth.

Further, House Bill 2611 violates two provisions of the Virginia Constitution: Article III, Section 1 (Separation of Powers) and Article IV, Section 11 (Enactment of Laws).

Accordingly, I veto this bill.”

HB 2749. Temporary Assistance for Needy Families; restrictions on use of case assistance; report. The enrolled bill directs the Department of Social Services to report annually by December 1 to the Chairmen of the Senate Committee on Rehabilitation and Social Services and the House Committee on Health, Welfare and Institutions information regarding the number of reported violations of restrictions on the use of TANF cash assistance, including the number of reported cases involving multiple violations of such restrictions. The Governor’s veto explanation states:

“Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 2749. This bill would require the Department of Social Services to report to the General Assembly the number of reported violations of restrictions on the use of Temporary Assistance for Needy Families (TANF) cash assistance (42 U.S.C. § 601 et seq.).

House Bill 2749 is a solution looking for a problem. There is no evidence to suggest TANF violations are an issue. In fact, Department data shows that less than 0.2% of transactions are possibly in this category. Therefore, the only purpose of this bill is to codify a false and discriminatory stereotype about hard-working Virginia families who may temporarily need cash assistance.

The mission of the Department of Social Services is to help Virginians triumph over poverty, abuse, and neglect, and its time and resources are more effectively directed to support strong and resilient families. Our administration continues to focus on this important mission and welcomes bipartisan cooperation in its pursuit.

Accordingly, I veto the bill.”

HB 2764. Voter registration; persons assisting with completion or collection of completed voter registration applications; certain identifying information required. The enrolled bill requires any person who assists an applicant with the completion of a paper voter registration application or collects a completed paper voter registration application directly from an applicant to provide his name and telephone number and indicate the group or organization with which he is affiliated, if any, on the registration application. The bill prohibits any registration application from being denied on the basis of such information not being provided. The measure exempts

from such requirement any state or local government employee who assists with the completion of registration applications or who collects completed registration applications as part of his official duties. The identifying information of the person assisting with the completion of an application or collecting a completed paper application shall not be entered into the registration record of the applicant. The Governor's veto explanation states:

“Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 2764. This legislation would have required a person who assists an individual with a voter registration application or collects completed applications to provide their name, telephone number, and name of the group or organization with which they are affiliated.

Virginia law already requires the individual or group assisting applicants with voter registrations to provide the applicant a receipt with their name and contact information, and including this individual's information on the actual voter registration application is unnecessary. If this contact information is missing from the application, it could potentially lead to denied or delayed applications. Eligible voters should not have their constitutional right challenged because their application did not include contact information for the volunteer who assisted them in their registration.

This legislation places an additional, unnecessary, and burdensome requirement on those facilitating or participating in voter registration drives. The exercise of voting rights is fundamental to the strength of our democracy, and at every opportunity, Virginia must strongly depart from its history of mounting obstacles to the voting booth. We must clearly demonstrate that the registration of eligible voters in the Commonwealth is welcomed and encouraged.

Accordingly, I veto this bill.”

SB 1027. Health insurance; catastrophic health plans. The enrolled bill authorizes health carriers to offer catastrophic plans on the individual market and to offer such plans to all individuals. The measure provides that a catastrophic plan is deemed to provide an essential health benefits package and to meet certain requirements of federal law. A catastrophic plan is a high-deductible health care plan that provides essential health benefits and coverage for at least three primary care visits per policy year. Under the federal Affordable Care Act, catastrophic plans satisfy requirements that health benefit plans provide minimum levels of coverage only if they cover individuals who are under 30 years of age or who qualify for a hardship exemption or affordability exemption. The measure requires the Commissioner of Insurance to apply to the federal government for a state innovation waiver allowing the implementation of the provision. The provision will become effective 30 days after the Commissioner notifies certain persons that the request has been approved. This bill is identical to HB 2260. The Governor's veto explanation states:

“Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto Senate Bill 1027, which would direct the Commissioner of Insurance to request federal permission for insurance carriers to offer catastrophic plans to all individuals purchasing coverage through the Marketplace.

This legislation would place consumers at risk of being underinsured and would fragment Virginia's federal marketplace risk pool, leading to rapidly increasing premiums. Senate Bill 1027 would allow insurance carriers and individuals to circumvent the protections in the Affordable Care Act. Under current law, catastrophic plans are only available for individuals who are younger than 30 years of age and individuals who qualify for a hardship or affordability exemption. Catastrophic plans typically have lower premiums because they require individuals to very high deductibles before the plan pays for health care costs. Many individuals enrolled in a catastrophic health plan may forego medical services because of cost. Individuals with minimal health care needs are more likely to purchase these threadbare plans, leaving individuals with more complex medical conditions in traditional marketplace plans. This adverse selection would likely contribute to an increase in Virginia marketplace premiums across the board.

Virginia took a positive step to increase the availability of quality, affordable, and comprehensive health care coverage through Medicaid expansion for individuals whose income is lower than 138% of the Federal Poverty Line. Our responsibility now is to look at solutions such as those proposed by the Market Stability Workgroup in order to improve affordability across the Commonwealth's health insurance markets. Senate Bill 1027 would undermine those efforts.

Accordingly, I veto this bill.”

SB 1038. Voter registration; verification of social security numbers; provisional registration status. The enrolled bill requires the general registrars to verify that the name, date of birth, and social security number provided by an applicant on the voter registration application match the information on file in the Social Security Administration database or other database approved by the State Board of Elections (State Board) before registering such applicant. If the information provided by the applicant does not match the information in such a database, the applicant (i) is provisionally registered to vote and notified as to what steps are needed to be fully registered to vote and (ii) is permitted to vote by provisional ballot, but such ballot shall not be counted until the voter presents certain information. The bill also requires the general registrars to verify annually no later than August 1 that the name, date of birth, and social security number in the registration record of each registered voter in the registrar's jurisdiction match the information on file with the Social Security Administration or other database approved by the State Board and, in accordance with current law, to initiate the cancellation of the registration of any voter whose registration record information does not match the database information. The State Board is authorized to approve the use of any government database to the extent required to enable each general registrar to carry out the provisions of this measure and to promulgate rules for the use of such database. The Department of Elections is required to provide to the general registrars access to the Social Security Administration database and any other database approved by the State Board. The Department of Elections is further required to enter into any agreement with any federal or state agency to facilitate such access. The bill has a delayed effective date of July 1, 2021. The Governor's veto explanation states:

“Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto Senate Bill 1038. Senate Bill 1038 would require the automatic denial of voter registration applications from certain eligible Virginians solely due to an error in a federal database or other databases.

This legislation would violate Article II, Section 1 of the Virginia Constitution by injecting additional requirements Virginians have to satisfy in order to be eligible to vote in the Commonwealth. The federal Voting Rights Act expressly prohibits denying applications for reasons that are not material to determining voter eligibility. Requiring 133 individual general registrars to implement a flawed application denial process will only increase the likelihood of disenfranchisement of eligible voters. The constitutional right to vote should not be undermined by human error such as data entry mistakes or typos.

The right to vote is fundamental to the strength of our democracy, and at every opportunity, Virginia must strongly depart from its history of mounting obstacles to the voting booth. Additionally, the implementation of this legislation would stretch the limited resources of local and state elections officials.

Requiring general registrars to deny applications from potentially eligible Virginians would disenfranchise Virginians, violate Virginia’s Constitution and federal law, and be an unfunded mandate on our cities and counties.

Accordingly, I veto this bill.”

SB 1150. Issuance of warrants by magistrates. The enrolled bill provides that a magistrate may not issue an arrest warrant for a misdemeanor offense where the accused is a law-enforcement officer and the alleged offense arises out of the performance of his public duties upon the basis of a complaint by a person other than a law-enforcement officer or an animal control officer without prior authorization by the attorney for the Commonwealth or by a law-enforcement agency. The bill provides for the appointment of an attorney for the Commonwealth from outside the jurisdiction if a conflict of interest exists for the attorney for the Commonwealth having jurisdiction. The Governor’s veto explanation states:

“Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto Senate Bill 1150. This bill prohibits magistrates from issuing misdemeanor arrest warrants against law enforcement officers without prior consent from the attorney for the Commonwealth or the local law enforcement agency if the alleged offense is related to the officer’s official duties.

Virginia holds its law enforcement officers to high standards through mandated training and a rigorous certification process, and as a result, our Commonwealth enjoys professional law enforcement agencies and officers. Police divisions across the Commonwealth strive to build and maintain public trust by protecting and engaging with their communities. Building and maintaining public trust also requires that citizens feel they are able to hold police officers accountable if the law has been violated.

Senate Bill 1150 prohibits Virginia’s magistrates from issuing misdemeanor arrest warrants against law enforcement officers unless the complainant is a law enforcement or animal control officer, or the attorney for the Commonwealth has given prior approval. We rely on our

magistrates to use their judgment in issuing other warrants - there is no reason to treat cases involving law enforcement officers differently.

This bill would prevent citizens from holding law enforcement officers accountable and unnecessarily limits the authority of our magistrates.

Accordingly, I veto this bill.”

SB 1156. Sanctuary policies prohibited. The enrolled bill provides that no locality shall adopt any ordinance, procedure, or policy intended to restrict the enforcement of federal immigration laws. The Governor’s veto explanation states:

“Pursuant to Article V, Section 6, of the Constitution of Virginia, and after consulting with law enforcement and local stakeholder groups, I veto Senate Bill 1156, which imposes an unnecessary and divisive requirement upon localities regarding the enforcement of federal immigration laws.

This legislation would force local law enforcement agencies to use precious resources to perform functions that are the responsibility of federal immigration enforcement agencies. It also sends a chilling message to communities across Virginia that could have negative impacts on public safety.

Localities have the right to determine whether to expend the resources and voluntarily enter into an agreement with the United States Immigration and Customs Enforcement Agency. Police divisions across the Commonwealth have a long tradition of engaging in community policing strategies, and many have determined that it is more important to develop a relationship with immigrant communities in order to keep safe all of those who live within the locality. This legislation would strip localities of that autonomy, and force them to divert money and manpower away from their core public safety functions.

Were it to become law, this bill would send a clear message to people across this Commonwealth that state and local law enforcement officials are to be feared and avoided rather than trusted and engaged. The safety of our communities requires that all people, whether they are documented or not, feel comfortable reporting criminal activity and cooperating with local law enforcement investigations. This bill would make it harder for the men and women who keep us safe to do their jobs.

There are many actions we can take to support law enforcement and keep Virginians safe. Placing new unfunded mandates on state and local public safety agencies in order to make a political point is not one of them.

Accordingly, I veto this bill.”

SB 1240. Health Insurance; short-term, limited-duration plans. The enrolled bill authorizes health insurance carriers in the Commonwealth to offer short-term, limited-duration health plans. Short-term, limited-duration health plans are defined as plans that have an expiration date that is less than 12 months after the original effective date of the contract, policy, or plan and, taking into account renewals or extensions, have a duration that does not exceed 36 months. Short-term

health plans are required to include a specified disclaimer. The Governor's veto explanation states:

“Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto Senate Bill 1240. This bill would authorize health insurance carriers in the Commonwealth to offer short-term, limited-duration health plans that last up to 12 months and are renewable for up to 36 months.

This legislation undermines an individual's right to quality, affordable, and comprehensive health care coverage. This would result in many Virginians being underinsured. Short-term, limited-duration plans are allowed to discriminate against individuals with pre-existing conditions, impose lifetime and annual caps, and are not required to provide essential health benefits. A typical short-term policy does not cover maternity care, prescription drugs, or mental health care. Additionally, individuals shifting out of their respective markets into short-term, limited-duration plans are expected to be healthier than average, fueling adverse selection that would increase premiums, negatively impact insurer competition, and destabilize the individual market.

Virginia took a positive step to increase the availability of quality, affordable, and comprehensive health care coverage through Medicaid expansion for individuals whose income is lower than 138% of the Federal Poverty Line. Our responsibility now is to look at solutions such as those proposed by the Market Stability Workgroup in order to improve affordability across the Commonwealth's health insurance markets. Senate Bill 1240 would undermine those efforts.

Accordingly, I veto this bill.”

SB 1251. Manufacture and distribution of switchblade knives. The enrolled bill exempts from the prohibition on selling or possessing switchblade knives the possession of any switchblade knife by a manufacturer or distributor in the course of his employment, or employee thereof in the course of his employment, and the wholesale or retail sale of a switchblade knife by a manufacturer or distributor through which the switchblade knife is shipped to any person outside of the Commonwealth. The Governor's veto explanation states:

“Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto Senate Bill 1251, which would permit the sale and possession of switchblade knives by a manufacturer or distributor in Virginia.

The Virginia General Assembly has deemed switchblade knives to be so dangerous that they have prohibited their sale or distribution in the Commonwealth. This bill would permit manufacturers and distributors in Virginia to possess these dangerous weapons for sale out of state. If switchblade knives are too dangerous to be sold in Virginia, we should not facilitate their sale and distribution in other states.

Accordingly, I veto this bill.”

SB 1674. Health insurance; short-term, limited-duration health plans; guaranteed option. The enrolled bill provides that any carrier offering short-term, limited-duration health plans may

offer for sale a guaranteed option, defined in the bill as a contract or agreement between a covered person and a carrier that guarantees the option of the covered person to purchase a new short-term, limited-duration health plan at a future date without re-underwriting. The measure specifies that a guaranteed option is not a health benefit plan and that any guaranteed option may set a specified premium rate for any short-term, limited-duration health plan that it guarantees will be available to the covered person in the future. The Governor's veto explanation states:

“Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto Senate Bill 1674. This bill would authorize health insurance carriers in the Commonwealth that offer short-term, limited-duration health plans to offer a guaranteed option for a covered individual to purchase a new plan at a future date without re-underwriting.

This legislation undermines an individual's right to quality, affordable, and comprehensive health care coverage and would result in many Virginians being underinsured. Short-term, limited-duration plans are allowed to discriminate against individuals with pre-existing conditions, impose lifetime and annual caps, and are not required to provide essential health benefits. A typical short-term policy does not cover maternity care, prescription drugs, or mental health care. Additionally, individuals shifting out of their respective markets into short-term, limited-duration plans are expected to be healthier than average, fueling adverse selection that would increase premiums, negatively impact insurer competition, and destabilize the individual market.

Virginia took a positive step to increase the availability of quality, affordable, and comprehensive health care coverage through Medicaid expansion for individuals whose income is lower than 138% of the Federal Poverty Line. Our responsibility now is to look at solutions such as those proposed by the Market Stability Workgroup in order to improve affordability across the Commonwealth's health insurance markets. Senate Bill 1674 would undermine those efforts.

Accordingly, I veto this bill.”

SB 1782. Notaries; qualifications. The enrolled bill prohibits a person who has been convicted of a felony offense of (a) fraud or misrepresentation or (b) robbery, extortion, burglary, larceny, embezzlement, fraudulent conversion, perjury, bribery, treason, or racketeering from qualifying to be a notary, regardless of whether his civil rights have been restored. The Governor's veto explanation states:

“Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto Senate Bill 1782, which would prohibit individuals convicted of certain felonies from qualifying to be a notary public even if such person's rights have been restored.

When a person convicted of a felony has served his or her sentence, that individual has paid his or her debt to society. This bill would impose a permanent penalty on certain individuals by barring them from becoming a notary public, a civil right that, currently, is explicitly restored. Furthermore, this prohibition would exist without any avenue for a person to regain their ability

to become a notary public. This lifetime punishment undermines the significance and meaning of having one's rights restored.

Being qualified to act as a notary public can be essential to a person's profession and is a prerequisite for certain jobs. Losing the ability to earn a living in these careers only continues to punish an individual who has served his or her time and had his or her rights restored.

Furthermore, this bill unfairly hurts the livelihood of former Virginia felons who currently work as notaries public and are positively contributing to society.

Permanently prohibiting a person from exercising a civil right without a process to fully regain that right is antithetical to the concept of restorative justice and the belief that returning citizens deserve a second chance.

Accordingly, I veto this bill.”

Bills Returned by the Governor (2000-2019)

Session	Governor	Amendments	Vetoed*	Total Sent to Governor
2000	Gilmore	60	16	1,089
2001		91	7	882
2002	Warner	74	1	899
2003		87	4	1,046
2004		60	2	1,035
2005		45	1	949
2006	Kaine	123	7	958
2007		106	10	958
2008		36	1	889
2009		101	12	886
2010	McDonnell	102	0	871
2011		132	5	892
2012		113	7	855
2013		85	6	812
2014	McAuliffe	57	5	834
2015		68	17	800
2016		57	29	811
2017		83	40	880
2018	Northam	30	10	874
2019		47	17	883

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