

## WEDNESDAY, APRIL 8, 2009

The Senate met at 12 m. in Reconvened Session of the 2009 Regular Session and was called to order by Lieutenant Governor William T. Bolling.

The Reverend James L. Porter, McKendree United Methodist Church, King William County, Virginia, offered the following prayer:

Almighty God, We give You thanks for all of the blessings You have poured out upon all of us this past year, and though it has been a difficult time for many of our citizens, we ask and believe that You will bless our country and the Commonwealth of Virginia in 2009.

We thank You that we live in a country and a state where our leaders are elected by a majority of the people rather than selectively chosen by only a few.

We thank You for our elected leaders, and we ask that You give them the wisdom to enact legislation that will enable our citizens to enjoy life, liberty, and the pursuit of happiness.

Please bless this delegation and help everyone here to aspire to the highest ideals of their own personal faith as well as to the high ideals of the Commonwealth of Virginia.

Let there be a spirit of mutual cooperation in this chamber that crosses every boundary so that the will of the people will be carried out for the mutual benefit of all of our citizens.

Please bless this day as we ask for Your guidance on so many important issues, and help us remember to respond to Your graciousness by giving You all of the praise and glory. Amen.

The roll was called and the following Senators answered to their names:

Barker, Colgan, Cuccinelli, Deeds, Hanger, Herring, Hurt, Locke, Lucas, Marsh, Martin, McDougle, McEachin, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Petersen, Puckett, Puller, Quayle, Reynolds, Ruff, Smith, Stolle, Stosch, Stuart, Vogel, Wagner, Wampler.

A quorum was present.

After the roll call, Senators Blevins, Edwards, Houck, Howell, Obenshain, Saslaw, Ticer, Watkins, and Whipple notified the Clerk of their presence.

On motion of Senator Blevins, the reading of the Journal was waived.

The recorded vote is as follows:

YEAS--39. NAYS--1. RULE 36--0.

YEAS--Barker, Blevins, Colgan, Cuccinelli, Deeds, Edwards, Hanger, Herring, Houck, Howell, Hurt, Locke, Lucas, Marsh, Martin, McDougle, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Obenshain, Petersen, Puckett, Puller, Quayle, Reynolds, Ruff, Saslaw, Smith, Stolle, Stosch, Stuart, Ticer, Vogel, Wagner, Wampler, Watkins, Whipple--39.

NAYS--McEachin--1.

RULE 36--0.

The Senate proceeded to consider the bills and related communications having been received from the Governor pending the Reconvened Session.

CALENDAR

SENATE BILLS WITH GOVERNOR'S RECOMMENDATIONS

**S.B. 848** (eight hundred forty-eight) was taken up together with the following communication from the Governor:

COMMONWEALTH OF VIRGINIA

Office of the Governor

March 30, 2009

TO THE SENATE OF VIRGINIA:

SENATE BILL NO. 848

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following amendments be made:

1. Line 208, enrolled, after *paragraph*.

insert

*In lieu of a current post office box address, a voter may execute a statement in a form prescribed by the State Board of Elections, affirming, subject to felony penalties for false statements under § 24.2-1016, that the voter is indigent and unable to afford a post office box through any available means, including the address confidentiality program.*

2. Line 215, enrolled, after *paragraph*.

insert

*In lieu of a current post office box address, a voter may execute a statement in a form prescribed by the State Board of Elections, affirming, subject to felony penalties for false statements under § 24.2-1016, that the voter is indigent and unable to afford a post office box through any available means, including the address confidentiality program.*

3. Line 223, enrolled, after *paragraph*.

insert

*In lieu of a current post office box address, a voter may execute a statement in a form prescribed by the State Board of Elections, affirming, subject to felony penalties for false statements under § 24.2-1016, that the voter is indigent and unable to afford a post office box through any available means, including the address confidentiality program.*

4. After line 320, enrolled

insert

3. That applications printed prior to the effective date of this act may be used until supplies are exhausted.

/s/ Timothy M. Kaine  
Governor

The reading of the communication was waived.

**S.B. 848**, on motion of Senator Edwards, was amended in accordance with the recommendations of the Governor.

The recorded vote is as follows:

YEAS--36. NAYS--3. RULE 36--0.

YEAS--Barker, Blevins, Colgan, Cuccinelli, Deeds, Edwards, Hanger, Herring, Houck, Howell, Hurt, Locke, Lucas, Marsh, McDougle, McEachin, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Obenshain, Petersen, Puckett, Puller, Quayle, Reynolds, Ruff, Saslaw, Stolle, Stosch, Ticer, Wagner, Wampler, Watkins, Whipple--36.

NAYS--Martin, Smith, Stuart--3.

RULE 36--0.

#### STATEMENT ON VOTE

Senator Vogel stated that she was recorded as not voting on the question of amending **S.B. 848** in accordance with the recommendations of the Governor, whereas she intended to vote yea.

**S.B. 855** (eight hundred fifty-five) was taken up together with the following communication from the Governor:

#### COMMONWEALTH OF VIRGINIA

Office of the Governor

March 30, 2009

TO THE SENATE OF VIRGINIA:

SENATE BILL NO. 855

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following amendment be made:

1. Line 1288, enrolled, after 2.

insert

That §§ 11-9.1 through 11-9.7 and 37.2-1018 of the Code of Virginia are repealed.

3.

/s/ Timothy M. Kaine

Governor

The reading of the communication was waived.

**S.B. 855**, on motion of Senator Edwards, was amended in accordance with the recommendation of the Governor.

The recorded vote is as follows:

YEAS--40. NAYS--0. RULE 36--0.

YEAS--Barker, Blevins, Colgan, Cuccinelli, Deeds, Edwards, Hanger, Herring, Houck, Howell, Hurt, Locke, Lucas, Marsh, Martin, McDougle, McEachin, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Obenshain, Petersen, Puckett, Puller, Quayle, Reynolds, Ruff, Saslaw, Smith, Stolle, Stosch, Stuart, Ticer, Vogel, Wagner, Wampler, Watkins, Whipple--40.

NAYS--0.

RULE 36--0.

**S.B. 883** (eight hundred eighty-three) was taken up together with the following communication from the Governor:

COMMONWEALTH OF VIRGINIA

Office of the Governor

March 30, 2009

TO THE SENATE OF VIRGINIA:

SENATE BILL NO. 883

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following amendment be made:

1. Line 17, enrolled, after qualified.

strike

remainder of line 17 and all of line 18

/s/ Timothy M. Kaine

Governor

The reading of the communication was waived.

**S.B. 883**, on motion of Senator Stuart, was amended in accordance with the recommendation of the Governor.

The recorded vote is as follows:

YEAS--40. NAYS--0. RULE 36--0.

YEAS--Barker, Blevins, Colgan, Cuccinelli, Deeds, Edwards, Hanger, Herring, Houck, Howell, Hurt, Locke, Lucas, Marsh, Martin, McDougle, McEachin, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Obenshain, Petersen, Puckett, Puller, Quayle, Reynolds, Ruff, Saslaw, Smith, Stolle, Stosch, Stuart, Ticer, Vogel, Wagner, Wampler, Watkins, Whipple--40.

NAYS--0.

RULE 36--0.

**S.B. 941** (nine hundred forty-one) was taken up together with the following communication from the Governor:

## COMMONWEALTH OF VIRGINIA

Office of the Governor

March 30, 2009

TO THE SENATE OF VIRGINIA:

SENATE BILL NO. 941

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following amendments be made:

1. Line 3, enrolled, after *the* “  
strike  
*Staff Sergeant*  
insert  
*SSG*
2. Line 3, enrolled, after *Arnette*  
insert  
*(U.S.A.)*
3. Line 8, enrolled, after *the* “  
strike  
*Staff Sergeant*  
insert  
*SSG*
4. Line 8, enrolled, after *Arnette*  
insert  
*(U.S.A.)*

/s/ Timothy M. Kaine  
Governor

The reading of the communication was waived.

**S.B. 941**, on motion of Senator Watkins, was amended in accordance with the recommendations of the Governor.

The recorded vote is as follows:

YEAS--40. NAYS--0. RULE 36--0.

YEAS--Barker, Blevins, Colgan, Cuccinelli, Deeds, Edwards, Hanger, Herring, Houck, Howell, Hurt, Locke, Lucas, Marsh, Martin, McDougle, McEachin, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Obenshain, Petersen, Puckett, Puller, Quayle, Reynolds, Ruff, Saslaw, Smith, Stolle, Stosch, Stuart, Ticer, Vogel, Wagner, Wampler, Watkins, Whipple--40.

NAYS--0.

RULE 36--0.

**S.B. 944** (nine hundred forty-four) was taken up together with the following communication from the Governor:

COMMONWEALTH OF VIRGINIA

Office of the Governor

March 30, 2009

TO THE SENATE OF VIRGINIA:

SENATE BILL NO. 944

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following amendment be made:

1. After line 119, enrolled

insert

*20. Beginning July 1, 2010 and ending June 30, 2020, computer equipment purchased or leased for the processing, storage, retrieval, or communication of data, including but not limited to servers, routers, connections, and other enabling hardware, provided that such computer equipment is purchased or leased for use in a data center that (a) is located in a Virginia locality, (b) results in a new capital investment on or after July 1, 2009 of at least \$150 million, and (c) results in the creation on or after July 1, 2009 of at least 50 new jobs associated with the operation or maintenance of the data center provided that such jobs pay at least one and one half times the prevailing average wage in that locality. Prior to claiming such exemption, any qualifying person claiming the exemption must enter into a memorandum of understanding with the Virginia Economic Development Partnership Authority that at a minimum provides the details for determining the amount of capital investments made and the number of new jobs created, the timeline for achieving the capital investment and new job goals, the repayment obligations should those goals not be achieved, and any conditions under which repayment by the qualifying person claiming the exemption may be required. In addition, the exemption shall apply to any such computer equipment purchased or leased to upgrade, supplement, or replace computer equipment purchased or leased in the initial investment. The exemption shall not apply to any computer software otherwise taxable under Chapter 6 of Title 58.1, Code of Virginia that is sold or leased separately from the computer equipment, nor shall it apply to general building improvements or fixtures.*

/s/ Timothy M. Kaine

Governor

The reading of the communication was waived.

**S.B. 944**, on motion of Senator Deeds, was amended in accordance with the recommendation of the Governor.

The recorded vote is as follows:

YEAS--40. NAYS--0. RULE 36--0.

YEAS--Barker, Blevins, Colgan, Cuccinelli, Deeds, Edwards, Hanger, Herring, Houck, Howell, Hurt, Locke, Lucas, Marsh, Martin, McDougle, McEachin, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Obenshain, Petersen, Puckett, Puller, Quayle, Reynolds, Ruff, Saslaw, Smith, Stolle, Stosch, Stuart, Ticer, Vogel, Wagner, Wampler, Watkins, Whipple--40.

NAYS--0.

RULE 36--0.

**S.B. 949** (nine hundred forty-nine) was taken up together with the following communication from the Governor:

COMMONWEALTH OF VIRGINIA

Office of the Governor

March 30, 2009

TO THE SENATE OF VIRGINIA:

SENATE BILL NO. 949

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following amendments be made:

1. Line 154, enrolled  
strike  
all of lines 154 through 159

2. Line 154, enrolled  
insert

*I. The Department shall provide a method by which an applicant conducting a Department of Motor Vehicles transaction using electronic means may make a voluntary contribution to the Virginia Donor Registry and Public Awareness Fund (Fund) established pursuant to §32.1-297.1. The Department shall inform the applicant of the existence of the Fund and also that contributing to the Fund is voluntary.*

/s/ Timothy M. Kaine

Governor

The reading of the communication was waived.

**S.B. 949**, on motion of Senator Howell, was amended in accordance with the recommendations of the Governor.

The recorded vote is as follows:

YEAS--40. NAYS--0. RULE 36--0.

YEAS--Barker, Blevins, Colgan, Cuccinelli, Deeds, Edwards, Hanger, Herring, Houck, Howell, Hurt, Locke, Lucas, Marsh, Martin, McDougle, McEachin, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Obenshain, Petersen, Puckett, Puller, Quayle, Reynolds, Ruff, Saslaw, Smith, Stolle, Stosch, Stuart, Ticer, Vogel, Wagner, Wampler, Watkins, Whipple--40.

NAYS--0.

RULE 36--0.

**S.B. 974** (nine hundred seventy-four) was taken up together with the following communication from the Governor:

COMMONWEALTH OF VIRGINIA

Office of the Governor

March 30, 2009

TO THE SENATE OF VIRGINIA:

SENATE BILL NO. 974

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following amendments be made:

1. Line 12, enrolled, after highway  
strike

in the Town of Colonial Beach

2. Line 13, enrolled, after intersection  
insert

*controlled by a traffic light and in the Town of Colonial Beach at an intersection*

/s/ Timothy M. Kaine

Governor

The reading of the communication was waived.

**S.B. 974**, on motion of Senator Stuart, was amended in accordance with the recommendations of the Governor.

The recorded vote is as follows:

YEAS--40. NAYS--0. RULE 36--0.

YEAS--Barker, Blevins, Colgan, Cuccinelli, Deeds, Edwards, Hanger, Herring, Houck, Howell, Hurt, Locke, Lucas, Marsh, Martin, McDougle, McEachin, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Obenshain, Petersen, Puckett, Puller, Quayle, Reynolds, Ruff, Saslaw, Smith, Stolle, Stosch, Stuart, Ticer, Vogel, Wagner, Wampler, Watkins, Whipple--40.

NAYS--0.

RULE 36--0.

**S.B. 1018** (one thousand eighteen) was taken up together with the following communication from the Governor:



## COMMONWEALTH OF VIRGINIA

Office of the Governor

March 30, 2009

TO THE SENATE OF VIRGINIA:

SENATE BILL NO. 1018

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following amendments be made:

1. Line 28, enrolled, after by the  
strike

Northern Virginia

insert

*applicable regional*

2. Line 29, enrolled, at the beginning of the line  
strike

Transportation Authority and the Hampton Roads *Metropolitan Planning*

3. Line 30, enrolled, at the beginning of the line  
strike

*Organization*

insert

*organizations*

4. Line 321, enrolled, after any locality  
strike

*wholly*

5. Line 322, enrolled, after any locality  
insert

*wholly*

6. Line 356, enrolled, after *Code*.  
insert

*Such tax may be used for transportation safety improvements as determined by such city or county embraced by the Northern Virginia Transportation Authority.*

/s/ Timothy M. Kaine  
Governor

The reading of the communication was waived.

Senator Stolle requested that, pursuant to Senate Rule 31, there be a division of the recommendations for consideration.

Senator Miller, J.C., moved to amend **S.B. 1018** in accordance with recommendations Nos. 1 and 2 of the Governor.

The question was put on amending **S.B. 1018** in accordance with recommendations Nos. 1 and 2 of the Governor.

**PARLIAMENTARY INQUIRY**

Senator Cuccinelli propounded a parliamentary inquiry as to whether recommendations Nos. 1, 2, and 6 of the Governor to **S.B. 1018** violated Article IV, Section 12, of the Constitution which states: "No law shall embrace more than one object, which shall be expressed in its title."

**S.B. 1018**, on motion of Senator Stolle, was passed by temporarily.

**S.B. 1021** (one thousand twenty-one) was taken up together with the following communication from the Governor:

COMMONWEALTH OF VIRGINIA

Office of the Governor

March 30, 2009

TO THE SENATE OF VIRGINIA:

SENATE BILL NO. 1021

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following amendments be made:

1. Line 39, enrolled, after convention center,

insert

*baseball stadium*

2. Line 56, enrolled, after population.

insert

*For a public facility that is a sports facility, "sales tax revenues" shall include such revenues generated by transactions taking place upon the premises of a baseball stadium or structures attached thereto.*

/s/ Timothy M. Kaine

Governor

The reading of the communication was waived.

**S.B. 1021**, on motion of Senator McEachin, was amended in accordance with the recommendations of the Governor.

The recorded vote is as follows:  
 YEAS--38. NAYS--1. RULE 36--1.

YEAS--Barker, Blevins, Colgan, Deeds, Edwards, Hanger, Herring, Houck, Howell, Hurt, Locke, Lucas, Martin, McDougle, McEachin, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Obenshain, Petersen, Puckett, Puller, Quayle, Reynolds, Ruff, Saslaw, Smith, Stolle, Stosch, Stuart, Ticer, Vogel, Wagner, Wampler, Watkins, Whipple--38.

NAYS--Cuccinelli--1.  
 RULE 36--Marsh--1.

**S.B. 1032** (one thousand thirty-two) was taken up together with the following communication from the Governor:

COMMONWEALTH OF VIRGINIA  
 Office of the Governor

March 30, 2009

TO THE SENATE OF VIRGINIA:  
 SENATE BILL NO. 1032

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following amendments be made:

1. Line 3, enrolled, after *programs*  
 insert  
     *, to delay enforcement of § 54.1-3041 relating to registration of medication aides, and to temporarily amend the provisions of subsection L of § 54.1-3408*
2. Line 45, enrolled, after 3.  
 strike  
     the remainder of line 45
3. At the beginning of line 46, enrolled  
 strike  
     4.
4. At the beginning of line 50, enrolled  
 strike  
     5.  
 insert  
     4.
5. At the beginning of line 56, enrolled  
 strike  
     6.  
 insert  
     5.
6. At the beginning of line 63, enrolled  
 strike  
     7. That

insert

6. That the provisions of this Act are effective retroactive to December 31, 2008,  
and

/s/ Timothy M. Kaine  
Governor

The reading of the communication was waived.

**S.B. 1032**, on motion of Senator Hanger, was amended in accordance with the recommendations of the Governor.

The recorded vote is as follows:

YEAS--40. NAYS--0. RULE 36--0.

YEAS--Barker, Blevins, Colgan, Cuccinelli, Deeds, Edwards, Hanger, Herring, Houck, Howell, Hurt, Locke, Lucas, Marsh, Martin, McDougle, McEachin, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Obenshain, Petersen, Puckett, Puller, Quayle, Reynolds, Ruff, Saslaw, Smith, Stolle, Stosch, Stuart, Ticer, Vogel, Wagner, Wampler, Watkins, Whipple--40.

NAYS--0.

RULE 36--0.

**S.B. 1046** (one thousand forty-six) was taken up together with the following communication from the Governor:

COMMONWEALTH OF VIRGINIA  
Office of the Governor

March 30, 2009

TO THE SENATE OF VIRGINIA:  
SENATE BILL NO. 1046

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following amendments be made:

1. Line 2, enrolled, after §§  
strike  
46.2-323,
2. Line 2, enrolled, after 46.2-328.1,  
strike  
46.2-330,
3. Line 3, enrolled, at the beginning of the line  
strike  
46.2-343,

4. Line 8, enrolled, after §§  
strike  
46.2-323,
5. Line 8, enrolled, after 46.2-328.1,  
strike  
46.2-330,
6. Line 8, enrolled, after 46.2-342  
strike  
46.2-343,
7. Line 23, enrolled, after permit  
unstrike  
~~may~~  
strike  
*shall*
8. Line 27, enrolled, after present  
unstrike  
the remainder of line 27 through ~~birth~~ on line 28
9. Line 28, enrolled, after ~~birth~~  
strike  
the remainder of line 28 through *apply* on line 30
10. At the beginning of line 31, enrolled  
unstrike  
all of lines 31 through 34
11. At the beginning line 35, enrolled  
strike  
all of lines 35 through 37
12. Line 38, enrolled, after applicant  
unstrike  
~~either (i)~~
13. Line 38, enrolled, after statement  
unstrike  
the remainder of line 38 through ~~residency~~ on line 39
14. Line 41, enrolled, after certification  
unstrike  
~~of Virginia residency~~

15. Line 42, enrolled, after evidence

unstrike

~~of Virginia residency~~

16. At the beginning of line 43, enrolled

unstrike

all of lines 43 through 44

17. At the beginning of line 61, enrolled

strike

all of lines 61 through 65

insert

*A. Notwithstanding any provision of this chapter, effective January 1, 2010, (i) the Commissioner shall comply with the minimum standards of the federal REAL ID Act of 2005 (Division B of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 [Public Law 109-13, 119 Stat. 302] codified at 49 U.S.C. 30301 Note, as amended as of January 1, 2009) and the federal regulations promulgated thereunder; and (ii) all driver's licenses, permits and special identification cards issued by the Commissioner of the Department of Motor Vehicles pursuant to this chapter shall comply with the minimum standards of the federal REAL ID Act of 2005 (as amended as of January 1, 2009) and the federal regulations promulgated thereunder, except as otherwise provided in this section.*

*B. Notwithstanding any other provision of this chapter, except as otherwise provided in this section, effective January 1, 2010, every applicant for a driver's license, permit, or special identification card, or for the renewal thereof, or for the reissuance thereof, or for the issuance of a duplicate thereof, shall be required by the Commissioner to apply in person for such issuance, renewal, reissuance or duplicate license, permit or special identification card, and the Commissioner shall require every applicant who applies in person to be photographed and to sign his usual signature as required by the Department and to present documents as proof of his or her (i) identity, (ii) date of birth, (iii) lawful status in the United States (iv) address of principal residence, which must be an address in Virginia, and (v) social security number or, if a foreign national without a social security number, non-work authorized status in the United States. As proof of lawful status in the United States, the applicant shall present documentary evidence of legal presence as required by § 46.2-328.1, together with any other evidence of lawful status required by the federal REAL ID Act of 2005 (as amended as of January 1, 2009) and the federal regulations promulgated thereunder.*

*C. The Commissioner may waive the requirements of subsection B if the records of the Department show that the applicant has previously complied with all such requirements, subsequent to January 1, 2010, and all the documents presented to the Department at that time were fully verified by the Department as required by the federal REAL ID Act and regulations, and copies of all such source documents were retained by the Department as required by the federal REAL ID Act and regulations, and the applicant provides proof that he or she is the same person who previously complied with such requirements.*

*D. The Commissioner may waive the requirements of subsection B if the applicant was born on or before December 1, 1964, and applies prior to December 1, 2014, for a renewal, duplicate or reissued driver's license, permit or special identification card, provided the applicant is eligible to apply otherwise than in person and elects to apply otherwise than in person, and provided further that such a waiver for applicants born on or before December 1, 1964 is permitted under the federal REAL ID Act and regulations and such a waiver will not result in some Virginians having an unexpired Virginia driver's license or special identification card that is not acceptable for official purposes by federal officials on or after December 1, 2017, even though Virginia is in compliance with the federal REAL ID Act and regulations.*

*E. The Commissioner may waive the requirements of subsection B if the application is for a motorcycle learner's permit, commercial driver's instruction permit or special identification card issued to a minor under age 15. The requirements of the federal REAL ID Act of 2005 and of the federal regulations promulgated thereunder shall not apply to a motorcycle learner's permit, commercial driver's instruction permit, temporary driver's permit issued pursuant to § 46.2-344 or special identification card issued to a minor under age 15. The Department shall issue such permits and cards to be readily identifiable as not REAL ID compliant.*

*F. The Department shall establish a process for persons who, for reasons beyond their control, are unable to provide all necessary documents required pursuant to this section for driver's licenses, permits, and special identification cards and must rely on alternate documents to establish identity, date of birth, lawful status in the United States, address of principal residence, Virginia residency, and social security number or non-work authorized status. Effective January 1, 2010, alternative documents to demonstrate lawful status will only be allowed to demonstrate United States citizenship.*

18. At the beginning of line 66, enrolled

strike

*B.*

insert

*G.*

19. At the beginning of line 101, enrolled

insert

*D.*

20. At the beginning of line 101, enrolled

unstrike

all of lines 101 through 104

21. Line 120, enrolled, after application

unstrike

~~, which shall include the applicant's certification of Virginia residency,~~

22. Line 125, enrolled, after year.

strike

the remainder of line 125 and all of lines 126 through 129

23. Line 203, enrolled, after identity,

unstrike

~~including but not limited to a birth certificate~~

24. Line 204, enrolled, after ~~certificate~~

strike

*legal presence, residency, and social security number*

25. Line 303, enrolled, after issued.

strike

the remainder of line 303 and all of lines 304 through 307

26. Line 318, enrolled, after ~~days,~~

unstrike

~~pending the issuance to such person of a driver's license~~

27. Line 320, enrolled, after *date*

strike

*of issuance*

insert

*the permit is issued*

28. Line 326, enrolled, after birth;

strike

*social security number;*

29. Line 327, enrolled, after presents

unstrike

~~a birth certificate or other evidence acceptable to the Department of his name  
and date of birth~~

30. Line 328, enrolled, after ~~birth~~

strike

the remainder of line 328 through *status* on line 329



31. Line 351, enrolled, after vehicle.

strike

the remainder of line 351 and all of lines 352 and 353

32. After line 394, enrolled

insert

2. The Commissioner of the Department of Motor Vehicles shall take all actions necessary to be in compliance as of January 1, 2010 with the minimum standards of the federal REAL ID Act of 2005 (Division B of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 [Public Law 109-13, 119 Stat. 302] codified at 49 U.S.C. 30301 Note, as amended as of January 1, 2009) and the federal regulations promulgated thereunder by the Department of Homeland Security. However, except for amendments, regulations, standards, or any other federal action that relate solely to funding for the Act and its implementation, any statutory or regulatory requirements imposed after April 1, 2009 by the United States Congress or by the federal Department of Homeland Security or any other federal agency that have the effect of expanding or increasing the minimum standards of the Act for compliance with the Act, shall not be implemented by the Governor or by any agency of the Commonwealth without the prior approval of the General Assembly. Furthermore, if the required federal deadline for material compliance with the federal Act is extended beyond July 1, 2010, the Department of Motor Vehicles shall notify the General Assembly of such extension.

3. Effective January 1, 2010, the provisions of subsections C and D of § 46.2-328.1 of the Code shall expire.

4. The provisions of this chapter enacting subsections A through F of § 46.2-323.01 and the third enactment clause of this chapter shall expire or shall be repealed in the event of the repeal of the federal REAL ID Act.

/s/ Timothy M. Kaine

Governor

The reading of the communication was waived.

**S.B. 1046**, on motion of Senator Miller, Y.B., was amended in accordance with the recommendations of the Governor.

The recorded vote is as follows:

YEAS--21. NAYS--19. RULE 36--0.

YEAS--Colgan, Deeds, Edwards, Herring, Houck, Howell, Locke, Lucas, Marsh, McEachin, Miller, J.C., Miller, Y.B., Northam, Petersen, Puckett, Puller, Reynolds, Saslaw, Ticer, Watkins, Whipple--21.

NAYS--Barker, Blevins, Cuccinelli, Hanger, Hurt, Martin, McDougale, Newman, Norment, Obenshain, Quayle, Ruff, Smith, Stolle, Stosch, Stuart, Vogel, Wagner, Wampler--19.

RULE 36--0.

**S.B. 1070** (one thousand seventy) was taken up together with the following communication from the Governor:

COMMONWEALTH OF VIRGINIA  
Office of the Governor

March 30, 2009

TO THE SENATE OF VIRGINIA:  
SENATE BILL NO. 1070

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following Amendment in the Nature of a Substitute be accepted.

/s/ Timothy M. Kaine  
Governor

AMENDMENT IN THE NATURE OF A SUBSTITUTE FOR SENATE BILL NO. 1070

[The substitute having been printed separately, the title only is recorded as follows:]

A BILL to amend and reenact §§ 24.2-700 and 24.2-701 of the Code of Virginia, relating to absentee voting; persons eligible to vote absentee; and applications for absentee ballots.

The reading of the communication was waived.

Senator Martin moved that the Senate refuse to amend **S.B. 1070** in accordance with the recommendation of the Governor.

Senator Stolle requested that, pursuant to Senate Rule 31, there be a division of the items of **S.B. 1070** for consideration.

**STATEMENT BY THE CHAIR**

The Chair stated that it was not possible to sever the items of **S.B. 1070** because the matter before the Senate was not in a severable state, being an amendment in the nature of a substitute.

**PARLIAMENTARY INQUIRY**

Senator Stolle propounded a parliamentary inquiry as to the procedure when the Governor had returned a recommendation in the form of an amendment in the nature of a substitute and had not returned amendments that were specific and severable.

The Chair stated that Article V, Section 6, of the Constitution provided that the question of whether or not the Governor's amendments were specific and severable was a decision to be determined by a majority vote of the members present.

The question was put on amending **S.B. 1070** in accordance with the recommendation of the Governor.

Senator Stolle moved, as a substitute motion, that the Senate determine that the Governor's recommendation to **S.B. 1070** was specific and severable.

#### PARLIAMENTARY INQUIRY

Senator Whipple propounded a parliamentary inquiry as to the custom, usage, and practice of the Senate upon receiving a recommendation of the Governor to a bill in the form of an amendment in the nature of a substitute.

The Chair stated that the Senate had taken different actions with respect to the Governor's recommendation as an amendment in the nature of a substitute. In some instances, the Senate had determined that the Governor had failed to send down specific and severable amendments and in those instances the practice had been to return those bills to committee. In other instances, the Senate had agreed to amend the bill in accordance with the recommendation of the Governor as an amendment in the nature of a substitute without raising the question of whether the Governor had sent down specific and severable amendments.

#### RECESS

At 12:55 p.m., Senator Saslaw moved that the Senate recess until 1:15 p.m.

The motion was agreed to.

The hour of 1:15 p.m. having arrived, the Chair was resumed.

#### PARLIAMENTARY INQUIRY

Senator Stolle propounded a parliamentary inquiry as to whether **S.B. 1070** would be referred to the standing committee, which could meet, take the bill up for immediate consideration, and report the bill to the Senate, if the Senate determined that the Governor had failed to send down specific and severable amendments.

The Chair stated that the Senator was correct.

Senator Stolle propounded a further parliamentary inquiry as to whether **S.B. 1070** would have to have three readings, if the Senate determined that the Governor had failed to send down specific and severable amendments.

The Chair stated that the Senator was correct.

#### RECESS

At 1:20 p.m., Senator Saslaw moved that the Senate recess until 1:35 p.m.

The motion was agreed to.

The hour of 1:35 p.m. having arrived, the Chair was resumed.

The question was put on whether the Governor's recommendation to **S.B. 1070** was specific and severable.

**PARLIAMENTARY INQUIRY**

Senator Stolle propounded a parliamentary inquiry as to whether the motion to determine whether the Governor had sent down specific and severable amendments to **S.B. 1070** had precedence over the motion to amend **S.B. 1070** in accordance with the recommendation of the Governor.

The Chair stated that there was no priority of motions under the Rules of the Senate in determining whether the Governor had sent down specific and severable amendments to **S.B. 1070**. The Chair stated that the primary motion was on agreeing to the recommendation of the Governor to **S.B. 1070** and the substitute motion was on determining whether the Governor had sent down specific and severable amendments to **S.B. 1070**. The Chair stated further that if a motion was made to move the previous question, that motion would be in order.

Senator Saslaw moved the previous question.

**PARLIAMENTARY INQUIRY**

Senator Stolle propounded a parliamentary inquiry as to whether the motion calling for a vote on the previous question was debatable.

The Chair stated that pursuant to Senate Rule 46 (a), the motion calling for a vote on the previous question was not debatable.

**PARLIAMENTARY INQUIRY**

Senator Stolle propounded a further parliamentary inquiry as to whether the effect of the motion to order the previous question would be to deny a vote on the substitute motion to determine whether the Governor had sent down specific and severable amendments to **S.B. 1070**.

The Chair stated that if the motion to order the previous question was agreed to, then the effect would be to deny a vote on the substitute motion for the Senate to determine if the Governor had sent down specific and severable amendments to **S.B. 1070**. The Chair stated further that the matter pending before the Senate would be on the question of amending **S.B. 1070** in accordance with the recommendation of the Governor.

**PARLIAMENTARY INQUIRY**

Senator Stolle propounded a further parliamentary inquiry as to whether the defeat of the motion to order the previous question would enable the Senate to vote on the substitute motion to determine whether the Governor had sent down specific and severable amendments to **S.B. 1070**.

The Chair stated that the Senator was correct.

## PARLIAMENTARY INQUIRY

Senator Stolle propounded a further parliamentary inquiry as to whether a Senator who had voted nay on the question of ordering the previous question and who voted yea on the question of amending **S.B. 1070** in accordance with the recommendation of the Governor could then move to reconsider the vote by which **S.B. 1070** was amended in accordance with the recommendation of the Governor.

The Chair stated that any member who had voted on the prevailing side on a motion to amend **S.B. 1070** in accordance with the recommendation of the Governor could move to reconsider that vote.

## PARLIAMENTARY INQUIRY

Senator Stolle propounded a further parliamentary inquiry as to whether a Senator could make a substitute motion to determine if the Governor had sent down specific and severable amendments to **S.B. 1070**, if the Senate had agreed to reconsider the vote by which **S.B. 1070** was amended in accordance with the recommendation of the Governor.

The Chair stated that a Senator could make a substitute motion to determine if the Governor had sent down specific and several amendments to **S.B. 1070**, if the Senate had agreed to reconsider the vote by which **S.B. 1070** was amended in accordance with the recommendation of the Governor.

The question was put on ordering the previous question.

The recorded vote is as follows:

YEAS--21. NAYS--19. RULE 36--0.

YEAS--Barker, Colgan, Deeds, Edwards, Herring, Houck, Howell, Locke, Lucas, Marsh, McEachin, Miller, J.C., Miller, Y.B., Northam, Petersen, Puckett, Puller, Reynolds, Saslaw, Ticer, Whipple--21.

NAYS--Blevins, Cuccinelli, Hanger, Hurt, Martin, McDougle, Newman, Norment, Obenshain, Quayle, Ruff, Smith, Stolle, Stosch, Stuart, Vogel, Wagner, Wampler, Watkins--19.

RULE 36--0.

The previous question was ordered.

The question was put on amending **S.B. 1070** in accordance with the recommendation of the Governor.

**S.B. 1070** was amended in accordance with the recommendation of the Governor.

The recorded vote is as follows:

YEAS--22. NAYS--18. RULE 36--0.

YEAS--Barker, Colgan, Deeds, Edwards, Herring, Houck, Howell, Locke, Lucas, Marsh, McEachin, Miller, J.C., Miller, Y.B., Northam, Petersen, Puckett, Puller, Reynolds, Saslaw, Stolle, Ticer, Whipple--22.

NAYS--Blevins, Cuccinelli, Hanger, Hurt, Martin, McDougale, Newman, Norment, Obenshain, Quayle, Ruff, Smith, Stosch, Stuart, Vogel, Wagner, Wampler, Watkins--18.

RULE 36--0.

### RECONSIDERATION

Senator Stolle moved to reconsider the vote by which **S.B. 1070** (one thousand seventy) was amended in accordance with the recommendation of the Governor.

Senator Petersen moved the pending question.

### PARLIAMENTARY INQUIRY

Senator Stolle propounded a parliamentary inquiry as to whether debate could continue if Senator Petersen withdrew his motion to order the pending question.

The Chair stated that if the motion by Senator Petersen to order the pending question was withdrawn, debate could continue on the motion to reconsider the vote by which **S.B. 1070** was amended in accordance with the recommendation of the Governor.

Senator Petersen withdrew the motion.

The question was put on reconsidering the vote by which **S.B. 1070** was amended in accordance with the recommendation of the Governor.

The motion was rejected.

The recorded vote is as follows:

YEAS--18. NAYS--21. RULE 36--0.

YEAS--Blevins, Cuccinelli, Hanger, Hurt, Martin, McDougale, Newman, Norment, Obenshain, Quayle, Smith, Stolle, Stosch, Stuart, Vogel, Wagner, Wampler, Watkins--18.

NAYS--Barker, Colgan, Deeds, Edwards, Herring, Houck, Howell, Locke, Marsh, McEachin, Miller, J.C., Miller, Y.B., Northam, Petersen, Puckett, Puller, Reynolds, Ruff, Saslaw, Ticer, Whipple--21.

RULE 36--0.

## STATEMENT ON VOTE

Senator Ruff stated that he was recorded as voting nay on the question of reconsidering the vote by which **S.B. 1070** was amended in accordance with the recommendation of the Governor, whereas he intended to vote yea.

**S.B. 1083** (one thousand eighty-three) was taken up together with the following communication from the Governor:

## COMMONWEALTH OF VIRGINIA

Office of the Governor

March 30, 2009

TO THE SENATE OF VIRGINIA:

SENATE BILL NO. 1083

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following amendments be made:

1. Line 27, enrolled, after *extension, the*  
insert  
*district court judge, special justice, or*

2. Line 31, enrolled, after *pursuant to*  
strike  
*§ 37.2-809*  
insert  
*this section*

/s/ Timothy M. Kaine

Governor

The reading of the communication was waived.

**S.B. 1083**, on motion of Senator Howell, was amended in accordance with the recommendations of the Governor.

The recorded vote is as follows:

YEAS--40. NAYS--0. RULE 36--0.

YEAS--Barker, Blevins, Colgan, Cuccinelli, Deeds, Edwards, Hanger, Herring, Houck, Howell, Hurt, Locke, Lucas, Marsh, Martin, McDougle, McEachin, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Obenshain, Petersen, Puckett, Puller, Quayle, Reynolds, Ruff, Saslaw, Smith, Stolle, Stosch, Stuart, Ticer, Vogel, Wagner, Wampler, Watkins, Whipple--40.

NAYS--0.

RULE 36--0.

**S.B. 1116** (one thousand one hundred sixteen) was taken up together with the following communication from the Governor:

COMMONWEALTH OF VIRGINIA

Office of the Governor

March 30, 2009

TO THE SENATE OF VIRGINIA:

SENATE BILL NO. 1116

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following amendment be made:

1. Line 36, enrolled, after *provider*:

strike

the remainder of line 36 and all of line 37

/s/ Timothy M. Kaine

Governor

The reading of the communication was waived.

**S.B. 1116**, on motion of Senator Ticer, was amended in accordance with the recommendation of the Governor.

The recorded vote is as follows:

YEAS--39. NAYS--1. RULE 36--0.

YEAS--Barker, Blevins, Colgan, Cuccinelli, Deeds, Edwards, Hanger, Herring, Houck, Howell, Hurt, Locke, Lucas, Marsh, McDougle, McEachin, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Obenshain, Petersen, Puckett, Puller, Quayle, Reynolds, Ruff, Saslaw, Smith, Stolle, Stosch, Stuart, Ticer, Vogel, Wagner, Wampler, Watkins, Whipple--39.

NAYS--Martin--1.

RULE 36--0.

**S.B. 1117** (one thousand one hundred seventeen) was taken up together with the following communication from the Governor:



COMMONWEALTH OF VIRGINIA  
Office of the Governor

March 30, 2009

TO THE SENATE OF VIRGINIA:  
SENATE BILL NO. 1117

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following amendment be made:

1. After line 7161, enrolled  
insert

2. That the regulations adopted by the State Mental Health, Mental Retardation and Substance Abuse Services Board in effect on the effective date of this act shall continue in effect until such time as amended or repealed by the State Board of Behavioral Health and Developmental Services.

3. That, as of the effective date of this act, the Department of and Office of Inspector General for Behavioral Health and Developmental Services shall be deemed the successor in interest to the Department of and Office of Inspector General for Mental Health, Mental Retardation and Substance Abuse Services to the extent that this act transfers powers and duties. All rights, title and interest in and to any real or tangible personal property vested in the Department of and Office of Inspector General for Mental Health, Mental Retardation and Substance Abuse Services to the extent that this act transfers powers and duties as of the effective date of this act shall be transferred to and taken as standing in the name of the Department of and Office of Inspector General for Behavioral Health and Developmental Services.

4. That, as of the effective date of this act, the Behavioral Health and Developmental Trust and Revenue Funds created pursuant to § 37.2-716 of the Code of Virginia shall be deemed the successor in interest to the Mental Health, Mental Retardation and Substance Abuse Services Trust and Revenue Funds.

/s/ Timothy M. Kaine  
Governor

The reading of the communication was waived.

**S.B. 1117**, on motion of Senator Ticer, was amended in accordance with the recommendation of the Governor.

The recorded vote is as follows:

YEAS--40. NAYS--0. RULE 36--0.

YEAS--Barker, Blevins, Colgan, Cuccinelli, Deeds, Edwards, Hanger, Herring, Houck, Howell, Hurt, Locke, Lucas, Marsh, Martin, McDougle, McEachin, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Obenshain, Petersen, Puckett, Puller, Quayle, Reynolds, Ruff, Saslaw, Smith, Stolle, Stosch, Stuart, Ticer, Vogel, Wagner, Wampler, Watkins, Whipple--40.

NAYS--0.

RULE 36--0.

**S.B. 1174** (one thousand one hundred seventy-four) was taken up together with the following communication from the Governor:

COMMONWEALTH OF VIRGINIA  
Office of the Governor

March 30, 2009

TO THE SENATE OF VIRGINIA:  
SENATE BILL NO. 1174

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following amendments be made:

1. Line 24, enrolled, after *agencies*  
insert  
*to determine whether*
  
2. Line 25, enrolled, after *hours*  
strike  
. (period)  
insert  
*, as well as to determine the terms of such license or transfer.*
  
3. Line 26, enrolled, after *agencies*  
insert  
*to determine whether*
  
4. Line 27, enrolled, after *agency*  
strike  
. (period)  
insert  
*, as well as to determine the terms of such license or transfer.*

/s/ Timothy M. Kaine  
Governor

The reading of the communication was waived.

**S.B. 1174**, on motion of Senator Watkins, was amended in accordance with the recommendations of the Governor.

The recorded vote is as follows:

YEAS--40. NAYS--0. RULE 36--0.

YEAS--Barker, Blevins, Colgan, Cuccinelli, Deeds, Edwards, Hanger, Herring, Houck, Howell, Hurt, Locke, Lucas, Marsh, Martin, McDougle, McEachin, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Obenshain, Petersen, Puckett, Puller, Quayle, Reynolds, Ruff, Saslaw, Smith, Stolle, Stosch, Stuart, Ticer, Vogel, Wagner, Wampler, Watkins, Whipple--40.

NAYS--0.

RULE 36--0.

**S.B. 1188** (one thousand one hundred eighty-eight) was taken up together with the following communication from the Governor:

COMMONWEALTH OF VIRGINIA  
Office of the Governor

March 30, 2009

TO THE SENATE OF VIRGINIA:  
SENATE BILL NO. 1188

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following amendments be made:

1. Line 208, enrolled, after *paragraph*.  
insert

*In lieu of a current post office box address, a voter may execute a statement in a form prescribed by the State Board of Elections, affirming, subject to felony penalties for false statements under § 24.2-1016, that the voter is indigent and unable to afford a post office box through any available means, including the address confidentiality program.*

2. Line 215, enrolled, after *paragraph*.  
insert

*In lieu of a current post office box address, a voter may execute a statement in a form prescribed by the State Board of Elections, affirming, subject to felony penalties for false statements under § 24.2-1016, that the voter is indigent and unable to afford a post office box through any available means, including the address confidentiality program.*

3. Line 223, enrolled, after *paragraph*.  
insert

*In lieu of a current post office box address, a voter may execute a statement in a form prescribed by the State Board of Elections, affirming, subject to felony penalties for false statements under § 24.2-1016, that the voter is indigent and unable to afford a post office box through any available means, including the address confidentiality program.*

4. After line 320, enrolled  
insert

3. That applications printed prior to the effective date of this act may be used until supplies are exhausted.

/s/ Timothy M. Kaine  
Governor

The reading of the communication was waived.

**S.B. 1188**, on motion of Senator Blevins, was amended in accordance with the recommendations of the Governor.

The recorded vote is as follows:

YEAS--39. NAYS--1. RULE 36--0.

YEAS--Barker, Blevins, Colgan, Cuccinelli, Deeds, Edwards, Hanger, Herring, Houck, Howell, Hurt, Locke, Lucas, Marsh, Martin, McDougle, McEachin, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Obenshain, Petersen, Puckett, Puller, Quayle, Reynolds, Ruff, Saslaw, Smith, Stolle, Stosch, Ticer, Vogel, Wagner, Wampler, Watkins, Whipple--39.

NAYS--Stuart--1.

RULE 36--0.

**S.B. 1199** (one thousand one hundred ninety-nine) was taken up together with the following communication from the Governor:

COMMONWEALTH OF VIRGINIA

Office of the Governor

March 30, 2009

TO THE SENATE OF VIRGINIA:

SENATE BILL NO. 1199

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following amendments be made:

1. Line 10, enrolled, after exceed  
strike

\$5

insert

\$3

2. Line 15, enrolled, after *the fee*.

insert

*Any person jailed for an offense they are later acquitted for shall be refunded any such fees paid during their incarceration.*

/s/ Timothy M. Kaine

Governor

The reading of the communication was waived.

Senator Puckett moved to amend **S.B. 1199** in accordance with the recommendations of the Governor.

Senator Cuccinelli requested that, pursuant to Senate Rule 31, there be a division of the recommendations for consideration.

The question was put on amending **S.B. 1199** in accordance with recommendation No. 1 of the Governor.

**S.B. 1199** was amended in accordance with recommendation No. 1 of the Governor.

The recorded vote is as follows:

YEAS--34. NAYS--5. RULE 36--0.

YEAS--Barker, Blevins, Colgan, Deeds, Edwards, Hanger, Herring, Houck, Howell, Hurt, Locke, Lucas, Marsh, McDougle, McEachin, Miller, J.C., Miller, Y.B., Norment, Northam, Petersen, Puckett, Puller, Quayle, Reynolds, Ruff, Saslaw, Stolle, Stosch, Stuart, Ticer, Wagner, Wampler, Watkins, Whipple--34.

NAYS--Cuccinelli, Newman, Obenshain, Smith, Vogel--5.

RULE 36--0.

#### STATEMENT ON VOTE

Senator Martin stated that he was recorded as not voting on the question of amending **S.B. 1199** in accordance with recommendation No. 1 of the Governor, whereas he intended to vote nay.

The question was put on amending **S.B. 1199** in accordance with recommendation No. 2 of the Governor.

**S.B. 1199** was amended in accordance with recommendation No. 2 of the Governor.

The recorded vote is as follows:

YEAS--40. NAYS--0. RULE 36--0.

YEAS--Barker, Blevins, Colgan, Cuccinelli, Deeds, Edwards, Hanger, Herring, Houck, Howell, Hurt, Locke, Lucas, Marsh, Martin, McDougle, McEachin, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Obenshain, Petersen, Puckett, Puller, Quayle, Reynolds, Ruff, Saslaw, Smith, Stolle, Stosch, Stuart, Ticer, Vogel, Wagner, Wampler, Watkins, Whipple--40.

NAYS--0.

RULE 36--0.

**S.B. 1200** (one thousand two hundred) was taken up together with the following communication from the Governor:

#### COMMONWEALTH OF VIRGINIA

Office of the Governor

March 30, 2009

TO THE SENATE OF VIRGINIA:

SENATE BILL NO. 1200

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following amendments be made:

1. Line 41, enrolled  
strike

*subsection A of*

2. Line 41, enrolled, after §  
unstrike

~~46.2-739~~

strike

46.2-743

3. Line 43, enrolled, after under

strike

*subsection A of*

4. Line 44, enrolled, after §

unstrike

~~46.2-739~~

strike

46.2-743

5. Line 63, enrolled, after charge,

strike

or

6. Line 65, enrolled, after Commonwealth

insert

, and

*19. Vehicles owned by persons, or their surviving spouses, qualified to receive special license plates under subsection A of §46.2-713*

/s/ Timothy M. Kaine

Governor

The reading of the communication was waived.

**S.B. 1200**, on motion of Senator Puckett, was amended in accordance with the recommendations of the Governor.

The recorded vote is as follows:

YEAS--40. NAYS--0. RULE 36--0.

YEAS--Barker, Blevins, Colgan, Cuccinelli, Deeds, Edwards, Hanger, Herring, Houck, Howell, Hurt, Locke, Lucas, Marsh, Martin, McDougle, McEachin, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Obenshain, Petersen, Puckett, Puller, Quayle, Reynolds, Ruff, Saslaw, Smith, Stolle, Stosch, Stuart, Ticer, Vogel, Wagner, Wampler, Watkins, Whipple--40.

NAYS--0.

RULE 36--0.

**S.B. 1248** (one thousand two hundred forty-eight), on motion of Senator Northam, was passed by temporarily.

**S.B. 1249** (one thousand two hundred forty-nine) was taken up together with the following communication from the Governor:

## COMMONWEALTH OF VIRGINIA

Office of the Governor

March 30, 2009

TO THE SENATE OF VIRGINIA:

SENATE BILL NO. 1249

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following amendments be made:

1. Line 20, enrolled, after *members*

strike

*to be appointed by the region's city councils from nominees submitted by the Board.*

insert

*of whom shall be appointed by their respective city councils as follows: two members for the City of Norfolk, one member for the City of Virginia Beach, and one member appointed by the following city councils in a rotating manner beginning with the City of Chesapeake, the City of Hampton, the City of Portsmouth, the City of Suffolk, and the City of Newport News.*

2. At the beginning of line 22, enrolled

strike

all of lines 22 through 27

insert

*Effective June 30, 2009, as terms expire on the Board among those members previously appointed by the region's city councils, the Commonwealth's three appointing bodies shall make appointments in a rotating manner, in the following order: in 2009, two Governor's appointments and two Senate appointments; and in 2010, three House of Delegates appointments. In 2011, four appointments shall be made by the region's city councils as previously described. Thereafter, all Board appointments will be made by the initial appointing body. Any vacancy that occurs prior to the completion of the term shall be appointed by the appointing authority, for the remainder of the term only.*

/s/ Timothy M. Kaine

Governor

The reading of the communication was waived.

**S.B. 1249**, on motion of Senator Northam, was amended in accordance with the recommendations of the Governor.

The recorded vote is as follows:

YEAS--40. NAYS--0. RULE 36--0.

YEAS--Barker, Blevins, Colgan, Cuccinelli, Deeds, Edwards, Hanger, Herring, Houck, Howell, Hurt, Locke, Lucas, Marsh, Martin, McDougle, McEachin, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Obenshain, Petersen, Puckett, Puller, Quayle, Reynolds, Ruff, Saslaw, Smith, Stolle, Stosch, Stuart, Ticer, Vogel, Wagner, Wampler, Watkins, Whipple--40.

NAYS--0.

RULE 36--0.

**S.B. 1251** (one thousand two hundred fifty-one) was taken up together with the following communication from the Governor:

COMMONWEALTH OF VIRGINIA

Office of the Governor

March 30, 2009

TO THE SENATE OF VIRGINIA:

SENATE BILL NO. 1251

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following amendments be made:

1. Line 167, enrolled, after system  
insert  
*or the Virginia College Savings Plan*
2. Line 438, enrolled, after *seven*  
insert  
*non-legislative*
3. Line 439, enrolled, after *Rules*  
strike  
*in accordance with the Rules of the Senate*
4. Line 440, enrolled, after *Delegates*  
strike  
*in accordance with the Rules of the House*

/s/ Timothy M. Kaine  
Governor

The reading of the communication was waived.

**S.B. 1251**, on motion of Senator Miller, Y.B., was amended in accordance with the recommendations of the Governor.



The recorded vote is as follows:

YEAS--39. NAYS--0. RULE 36--0.

YEAS--Barker, Blevins, Colgan, Cuccinelli, Deeds, Edwards, Hanger, Herring, Houck, Howell, Hurt, Locke, Lucas, Marsh, Martin, McDougle, McEachin, Miller, J.C., Miller, Y.B., Newman, Northam, Obenshain, Petersen, Puckett, Puller, Quayle, Reynolds, Ruff, Saslaw, Smith, Stolle, Stosch, Stuart, Ticer, Vogel, Wagner, Wampler, Watkins, Whipple--39.

NAYS--0.

RULE 36--0.

**S.B. 1276** (one thousand two hundred seventy-six) was taken up together with the following communication from the Governor:

COMMONWEALTH OF VIRGINIA

Office of the Governor

March 30, 2009

TO THE SENATE OF VIRGINIA:

SENATE BILL NO. 1276

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following amendments be made:

1. At the beginning of line 61, enrolled  
 strike  
     all of lines 61 through 66
  
2. At the beginning of line 67, enrolled  
 strike  
     3.  
 insert  
     2.
  
3. Line 67, enrolled, after in  
 strike  
     subsection  
 insert  
     subsections C and
  
4. At the beginning of line 71, enrolled  
 strike  
     4.  
 insert  
     3.

/s/ Timothy M. Kaine  
 Governor

The reading of the communication was waived.

**S.B. 1276**, on motion of Senator Martin, was amended in accordance with the recommendations of the Governor.

The recorded vote is as follows:

YEAS--39. NAYS--1. RULE 36--0.

YEAS--Barker, Blevins, Colgan, Cuccinelli, Deeds, Edwards, Hanger, Herring, Houck, Howell, Hurt, Locke, Lucas, Marsh, Martin, McDougle, McEachin, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Obenshain, Petersen, Puckett, Puller, Quayle, Reynolds, Saslaw, Smith, Stolle, Stosch, Stuart, Ticer, Vogel, Wagner, Wampler, Watkins, Whipple--39.

NAYS--Ruff--1.

RULE 36--0.

**S.B. 1302** (one thousand three hundred two) was taken up together with the following communication from the Governor:

COMMONWEALTH OF VIRGINIA

Office of the Governor

March 30, 2009

TO THE SENATE OF VIRGINIA:

SENATE BILL NO. 1302

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following amendments be made:

1. Line 127, enrolled, after *makes a*  
strike  
*materially false*
2. Line 128, enrolled, after *18.2-246.11*  
insert  
*which is false*
3. Line 177, enrolled, after *to conspire*  
strike  
*or endeavor*

/s/ Timothy M. Kaine  
Governor

The reading of the communication was waived.

**S.B. 1302**, on motion of Senator Hurt, was amended in accordance with the recommendations of the Governor.

The recorded vote is as follows:

YEAS--40. NAYS--0. RULE 36--0.

YEAS--Barker, Blevins, Colgan, Cuccinelli, Deeds, Edwards, Hanger, Herring, Houck, Howell, Hurt, Locke, Lucas, Marsh, Martin, McDougale, McEachin, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Obenshain, Petersen, Puckett, Puller, Quayle, Reynolds, Ruff, Saslaw, Smith, Stolle, Stosch, Stuart, Ticer, Vogel, Wagner, Wampler, Watkins, Whipple--40.

NAYS--0.

RULE 36--0.

**S.B. 1307** (one thousand three hundred seven) was taken up together with the following communication from the Governor:

COMMONWEALTH OF VIRGINIA

Office of the Governor

March 30, 2009

TO THE SENATE OF VIRGINIA:

SENATE BILL NO. 1307

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following amendment be made:

1. Line 18, enrolled, after *Services to*  
strike  
*perform such an arrest*  
insert  
*receive*

/s/ Timothy M. Kaine  
Governor

The reading of the communication was waived.

**S.B. 1307**, on motion of Senator Hurt, was amended in accordance with the recommendation of the Governor.

The recorded vote is as follows:

YEAS--40. NAYS--0. RULE 36--0.

YEAS--Barker, Blevins, Colgan, Cuccinelli, Deeds, Edwards, Hanger, Herring, Houck, Howell, Hurt, Locke, Lucas, Marsh, Martin, McDougale, McEachin, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Obenshain, Petersen, Puckett, Puller, Quayle, Reynolds, Ruff, Saslaw, Smith, Stolle, Stosch, Stuart, Ticer, Vogel, Wagner, Wampler, Watkins, Whipple--40.

NAYS--0.

RULE 36--0.

**S.B. 1318** (one thousand three hundred eighteen) was taken up together with the following communication from the Governor:

COMMONWEALTH OF VIRGINIA  
Office of the Governor

March 30, 2009

TO THE SENATE OF VIRGINIA:  
SENATE BILL NO. 1318

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following amendments be made:

1. Line 120, enrolled, after law  
insert  
*in effect prior to January 1, 1975*
  
2. Line 149, enrolled, after law  
insert  
*in effect prior to January 1, 1975*

/s/ Timothy M. Kaine  
Governor

The reading of the communication was waived.

**S.B. 1318**, on motion of Senator Houck, was amended in accordance with the recommendations of the Governor.

The recorded vote is as follows:  
YEAS--40. NAYS--0. RULE 36--0.

YEAS--Barker, Blevins, Colgan, Cuccinelli, Deeds, Edwards, Hanger, Herring, Houck, Howell, Hurt, Locke, Lucas, Marsh, Martin, McDougle, McEachin, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Obenshain, Petersen, Puckett, Puller, Quayle, Reynolds, Ruff, Saslaw, Smith, Stolle, Stosch, Stuart, Ticer, Vogel, Wagner, Wampler, Watkins, Whipple--40.

NAYS--0.  
RULE 36--0.

**S.B. 1321** (one thousand three hundred twenty-one) was taken up together with the following communication from the Governor:

COMMONWEALTH OF VIRGINIA  
Office of the Governor

March 30, 2009

TO THE SENATE OF VIRGINIA  
SENATE BILL NO. 1321

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following amendments be made:

1. Line 10, enrolled, after *TRAINING*

insert

*FACILITY*

2. Line 11, enrolled, after *Training*

insert

*Facility*

3. Line 46, enrolled, after *makes a*

insert

*new*

4. Line 47, enrolled, after *million*

strike

*by June 30, 2012*

insert

*from January 1, 2009 through December 31, 2011*

5. Line 59, enrolled, after *subsection*

insert

*C or*

6. At the beginning of line 75, enrolled

strike

*July 1, 2012*

insert

*December 31, 2011*

7. Line 76, enrolled, after *million*

strike

*. (period)*

insert

*, plus any amounts deferred in accordance with subsection C or D.*

/s/ Timothy M. Kaine

Governor

The reading of the communication was waived.

**S.B. 1321**, on motion of Senator Locke, was amended in accordance with the recommendations of the Governor.

The recorded vote is as follows:

YEAS--40. NAYS--0. RULE 36--0.

YEAS--Barker, Blevins, Colgan, Cuccinelli, Deeds, Edwards, Hanger, Herring, Houck, Howell, Hurt, Locke, Lucas, Marsh, Martin, McDougale, McEachin, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Obenshain, Petersen, Puckett, Puller, Quayle, Reynolds, Ruff, Saslaw, Smith, Stolle, Stosch, Stuart, Ticer, Vogel, Wagner, Wampler, Watkins, Whipple--40.

NAYS--0.

RULE 36--0.

**S.B. 1325** (one thousand three hundred twenty-five) was taken up together with the following communication from the Governor:

COMMONWEALTH OF VIRGINIA  
Office of the Governor

March 30, 2009

TO THE SENATE OF VIRGINIA:  
SENATE BILL NO. 1325

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following amendments be made:

1. Line 229, enrolled  
strike  
all of lines 229 through line 237
2. Line 238, enrolled, beginning of the line  
strike  
5
3. Line 238, enrolled, beginning of the line  
insert  
4

/s/ Timothy M. Kaine  
Governor

The reading of the communication was waived.

**S.B. 1325**, on motion of Senator Stosch, was amended in accordance with the recommendations of the Governor.

The recorded vote is as follows:

YEAS--40. NAYS--0. RULE 36--0.

YEAS--Barker, Blevins, Colgan, Cuccinelli, Deeds, Edwards, Hanger, Herring, Houck, Howell, Hurt, Locke, Lucas, Marsh, Martin, McDougle, McEachin, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Obenshain, Petersen, Puckett, Puller, Quayle, Reynolds, Ruff, Saslaw, Smith, Stolle, Stosch, Stuart, Ticer, Vogel, Wagner, Wampler, Watkins, Whipple--40.

NAYS--0.

RULE 36--0.

**S.B. 1336** (one thousand three hundred thirty-six) was taken up together with the following communication from the Governor:

COMMONWEALTH OF VIRGINIA  
Office of the Governor

March 30, 2009

TO THE SENATE OF VIRGINIA:  
SENATE BILL NO. 1336

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following amendment be made:

1. Line 66, enrolled, after 2.

insert

That an emergency exists and this act is in force from its passage.

3.

/s/ Timothy M. Kaine  
Governor

The reading of the communication was waived.

**S.B. 1336**, on motion of Senator Puckett, was amended in accordance with the recommendation of the Governor.

The recorded vote is as follows:

YEAS--39. NAYS--0. RULE 36--0.

YEAS--Barker, Blevins, Colgan, Cuccinelli, Deeds, Edwards, Hanger, Herring, Howell, Hurt, Locke, Lucas, Marsh, Martin, McDougale, McEachin, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Obenshain, Petersen, Puckett, Puller, Quayle, Reynolds, Ruff, Saslaw, Smith, Stolle, Stosch, Stuart, Ticer, Vogel, Wagner, Wampler, Watkins, Whipple--39.

NAYS--0.

RULE 36--0.

**S.B. 1338** (one thousand three hundred thirty-eight) was taken up together with the following communication from the Governor:

COMMONWEALTH OF VIRGINIA  
Office of the Governor

March 30, 2009

TO THE SENATE OF VIRGINIA:  
SENATE BILL NO. 1338

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following amendment be made:

1. Line 13, enrolled, after *microelectronics*,

insert

*robotics and unmanned vehicle systems, advanced shipbuilding,*

/s/ Timothy M. Kaine  
Governor

The reading of the communication was waived.

**S.B. 1338**, on motion of Senator Herring, was amended in accordance with the recommendation of the Governor.

The recorded vote is as follows:

YEAS--39. NAYS--0. RULE 36--0.

YEAS--Barker, Blevins, Colgan, Cuccinelli, Deeds, Edwards, Hanger, Herring, Houck, Howell, Hurt, Locke, Lucas, Marsh, Martin, McDougle, McEachin, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Obenshain, Petersen, Puller, Quayle, Reynolds, Ruff, Saslaw, Smith, Stolle, Stosch, Stuart, Ticer, Vogel, Wagner, Wampler, Watkins, Whipple--39.

NAYS--0.

RULE 36--0.

#### STATEMENT ON VOTE

Senator Puckett stated that he was recorded as not voting on the question of amending **S.B. 1338** in accordance with the recommendation of the Governor, whereas he intended to vote yea.

**S.B. 1339** (one thousand three hundred thirty-nine) was taken up together with the following communication from the Governor:

COMMONWEALTH OF VIRGINIA  
Office of the Governor

March 30, 2009

TO THE SENATE OF VIRGINIA:  
SENATE BILL NO. 1339

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following Amendment in the Nature of a Substitute be accepted.

/s/ Timothy M. Kaine  
Governor

AMENDMENT IN THE NATURE OF A SUBSTITUTE FOR SENATE BILL NO. 1339

[The substitute having been printed separately, the title only is recorded as follows:]

A BILL to amend and reenact §§ 56-585.2 and 56-594 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 56-234.2:1, relating to the regulation of electric utilities in the Commonwealth.

The reading of the communication was waived.



Senator Herring moved to amend **S.B. 1339** in accordance with the recommendation of the Governor.

Senator Obenshain moved, as a substitute motion, that the Senate determine that the Governor's recommendation to **S.B. 1339** was specific and severable.

Senator Cuccinelli moved the pending question.

The recorded vote is as follows:

YEAS--32. NAYS--8. RULE 36--0.

YEAS--Barker, Blevins, Colgan, Cuccinelli, Deeds, Edwards, Hanger, Herring, Houck, Howell, Hurt, Locke, Lucas, Marsh, Martin, McEachin, Miller, J.C., Miller, Y.B., Norment, Northam, Obenshain, Petersen, Puckett, Puller, Quayle, Reynolds, Saslaw, Smith, Ticer, Wampler, Watkins, Whipple--32.

NAYS--McDougle, Newman, Ruff, Stolle, Stosch, Stuart, Vogel, Wagner--8.

RULE 36--0.

The pending question was ordered.

The question was put on whether the Governor's recommendation to **S.B. 1339** was specific and severable.

The Senate determined that the Governor's recommendation to **S.B. 1339** was specific and severable.

The recorded vote is as follows:

YEAS--21. NAYS--19. RULE 36--0.

YEAS--Barker, Colgan, Deeds, Edwards, Herring, Houck, Howell, Locke, Lucas, Marsh, McEachin, Miller, J.C., Miller, Y.B., Northam, Petersen, Puckett, Puller, Reynolds, Saslaw, Ticer, Whipple--21.

NAYS--Blevins, Cuccinelli, Hanger, Hurt, Martin, McDougle, Newman, Norment, Obenshain, Quayle, Ruff, Smith, Stolle, Stosch, Stuart, Vogel, Wagner, Wampler, Watkins--19.

RULE 36--0.

### PARLIAMENTARY INQUIRY

Senator Stolle propounded a parliamentary inquiry as to whether Article V, Section 6, of the Constitution, which authorized the Governor to recommend one or more specific and severable amendments, included the authority of the Governor to recommend an amendment in the nature of a substitute.

The Chair stated that Article V, Section 6, of the Constitution contemplated that the Governor may return one or more specific and severable amendments to a bill, and the Governor had returned an "amendment" in the nature of a substitute to **S.B. 1339**. The Chair further stated that Article V, Section 6, of the Constitution provided that the Senate or House of Delegates, the body before whom the question was pending, determined whether or not the amendment was specific and severable.

**S.B. 1339**, on motion of Senator Herring, was amended in accordance with the recommendation of the Governor.

The recorded vote is as follows:

YEAS--22. NAYS--18. RULE 36--0.

YEAS--Barker, Colgan, Deeds, Edwards, Herring, Houck, Howell, Hurt, Locke, Lucas, Marsh, McEachin, Miller, J.C., Miller, Y.B., Northam, Petersen, Puckett, Puller, Reynolds, Saslaw, Ticer, Whipple--22.

NAYS--Blevins, Cuccinelli, Hanger, Martin, McDougale, Newman, Norment, Obenshain, Quayle, Ruff, Smith, Stolle, Stosch, Stuart, Vogel, Wagner, Wampler, Watkins--18.

RULE 36--0.

**S.B. 1347** (one thousand three hundred forty-seven) was taken up together with the following communication from the Governor:

COMMONWEALTH OF VIRGINIA

Office of the Governor

March 30, 2009

TO THE SENATE OF VIRGINIA:

SENATE BILL NO. 1347

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following amendment be made:

1. Line 89, enrolled, after *F*.

insert

*There is hereby established a special, nonreverting fund in the state treasury to be known as the Small Renewable Energy Project Fee Fund, hereafter referred to as the Fund. Notwithstanding the provisions of § 2.2-1802, all moneys collected pursuant to this § 10.1-1197.6 shall be paid into the state treasury to the credit of the Fund. Any moneys remaining in the Fund shall not revert to the general fund but shall remain in the Fund. Interest earned on such moneys shall remain in the Fund and be credited to it. The Fund shall be exempt from statewide indirect costs charged and collected by the Department of Accounts.*

G.

/s/ Timothy M. Kaine

Governor

The reading of the communication was waived.

**S.B. 1347**, on motion of Senator Wagner, was amended in accordance with the recommendation of the Governor.

The recorded vote is as follows:  
YEAS--38. NAYS--2. RULE 36--0.

YEAS--Barker, Blevins, Colgan, Cuccinelli, Edwards, Hanger, Herring, Houck, Howell, Hurt, Locke, Lucas, Marsh, Martin, McDougle, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Obenshain, Petersen, Puckett, Puller, Quayle, Reynolds, Ruff, Saslaw, Smith, Stolle, Stosch, Stuart, Ticer, Vogel, Wagner, Wampler, Watkins, Whipple--38.

NAYS--Deeds, McEachin--2.  
RULE 36--0.

**S.B. 1348** (one thousand three hundred forty-eight) was taken up together with the following communication from the Governor:

COMMONWEALTH OF VIRGINIA  
Office of the Governor

March 30, 2009

TO THE SENATE OF VIRGINIA:  
SENATE BILL NO. 1348

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following Amendment in the Nature of a Substitute be accepted.

/s/ Timothy M. Kaine  
Governor

AMENDMENT IN THE NATURE OF A SUBSTITUTE FOR SENATE BILL NO. 1348

[The substitute having been printed separately, the title only is recorded as follows:]

A BILL to amend the Code of Virginia by adding a section numbered 10.1-1307.02 and to direct the State Corporation Commission to conduct a proceeding to determine appropriate energy conservation and demand response targets that can realistically be accomplished through demand-side management portfolios and other energy conservation, energy efficiency, and demand-side management programs to be administered by generating electric utilities, and directing the Air Pollution Control Board to adopt regulations providing exemptions to certain air quality requirements.

The reading of the communication was waived.

**S.B. 1348**, on motion of Senator Wagner, was amended in accordance with the recommendation of the Governor.

The recorded vote is as follows:  
YEAS--37. NAYS--2. RULE 36--0.

YEAS--Blevins, Colgan, Cuccinelli, Deeds, Edwards, Hanger, Herring, Houck, Howell, Hurt, Locke, Lucas, Marsh, McDougle, McEachin, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Obenshain, Puckett, Puller, Quayle, Reynolds, Ruff, Saslaw, Smith, Stolle, Stosch, Stuart, Ticer, Vogel, Wagner, Wampler, Watkins, Whipple--37.

NAYS--Barker, Petersen--2.  
RULE 36--0.

STATEMENT ON VOTE

Senator Martin stated that he was recorded as not voting on the question of amending **S.B. 1348** in accordance with the recommendation of the Governor, whereas he intended to vote yea.

**S.B. 1361** (one thousand three hundred sixty-one) was taken up together with the following communication from the Governor:

COMMONWEALTH OF VIRGINIA

Office of the Governor

March 30, 2009

TO THE SENATE OF VIRGINIA:

SENATE BILL NO. 1361

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following amendments be made:

1. Line 35, enrolled, after *parks*  
strike

, (comma)

2. Line 36, enrolled, after *10.1-113*  
insert

, (comma)

/s/ Timothy M. Kaine

Governor

The reading of the communication was waived.

**S.B. 1361**, on motion of Senator Reynolds, was amended in accordance with the recommendations of the Governor.

The recorded vote is as follows:

YEAS--39. NAYS--1. RULE 36--0.

YEAS--Barker, Blevins, Colgan, Cuccinelli, Deeds, Edwards, Hanger, Herring, Houck, Howell, Hurt, Locke, Lucas, Marsh, Martin, McDougle, McEachin, Miller, J.C., Miller, Y.B., Newman, Northam, Obenshain, Petersen, Puckett, Puller, Quayle, Reynolds, Ruff, Saslaw, Smith, Stolle, Stosch, Stuart, Ticer, Vogel, Wagner, Wampler, Watkins, Whipple--39.

NAYS--Norment--1.

RULE 36--0.

**S.B. 1387** (one thousand three hundred eighty-seven) was taken up together with the following communication from the Governor:

COMMONWEALTH OF VIRGINIA  
Office of the Governor

March 30, 2009

TO THE SENATE OF VIRGINIA:  
SENATE BILL NO. 1387

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following amendments be made:

1. Line 23, enrolled, after *January 1*,  
strike  
2009  
insert  
2008

2. Line 37, enrolled, after *construction*  
strike  
of  
insert  
, *reconstruction, renovation of, or adaptive re-use of a structure for*

/s/ Timothy M. Kaine  
Governor

The reading of the communication was waived.

**S.B. 1387**, on motion of Senator Stolle, was amended in accordance with the recommendations of the Governor.

The recorded vote is as follows:  
YEAS--34. NAYS--6. RULE 36--0.

YEAS--Barker, Blevins, Colgan, Deeds, Edwards, Hanger, Herring, Houck, Howell, Locke, Lucas, Marsh, McDougle, McEachin, Miller, J.C., Miller, Y.B., Norment, Northam, Petersen, Puckett, Puller, Quayle, Reynolds, Ruff, Saslaw, Stolle, Stosch, Stuart, Ticer, Vogel, Wagner, Wampler, Watkins, Whipple--34.

NAYS--Cuccinelli, Hurt, Martin, Newman, Obenshain, Smith--6.  
RULE 36--0.

**S.B. 1394** (one thousand three hundred ninety-four) was taken up together with the following communication from the Governor:

COMMONWEALTH OF VIRGINIA  
Office of the Governor

March 30, 2009

TO THE SENATE OF VIRGINIA:  
SENATE BILL NO. 1394

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following amendments be made:

1. Line 52, enrolled, after *petition*  
strike

(i)

2. Line 53, enrolled, after *costs*  
strike

the remainder of line 53 and all of line 54

insert

*; provided, however, the court may assess such costs upon a finding by clear and convincing evidence that the petitioner acted with a malicious intent to harm the officer.*

/s/ Timothy M. Kaine  
Governor

The reading of the communication was waived.

Senator Norment moved that the Senate refuse to amend **S.B. 1394** in accordance with the recommendations of the Governor.

The question was put on amending **S.B. 1394** in accordance with the recommendations of the Governor.

The Senate refused to so amend **S.B. 1394**.

The recorded vote is as follows:

YEAS--7. NAYS--32. RULE 36--0.

YEAS--Edwards, Hanger, Lucas, Marsh, Miller, Y.B., Reynolds, Whipple--7.

NAYS--Barker, Blevins, Colgan, Cuccinelli, Deeds, Herring, Houck, Howell, Hurt, Locke, Martin, McDougle, McEachin, Miller, J.C., Newman, Norment, Northam, Obenshain, Petersen, Puckett, Puller, Quayle, Ruff, Saslaw, Smith, Stolle, Stosch, Stuart, Ticer, Vogel, Wagner, Watkins--32.

RULE 36--0.

**S.B. 1411** (one thousand four hundred eleven) was taken up together with the following communication from the Governor:

COMMONWEALTH OF VIRGINIA  
Office of the Governor

March 30, 2009

TO THE SENATE OF VIRGINIA:  
SENATE BILL NO. 1411

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following amendments be made:

1. Line 69, enrolled, after *who is*

strike

*uninsured, is*

2. Line 92, enrolled, after *care*.

strike

the remainder of line 92 and all of lines 93 through 115

3. Line 116, enrolled, after *B*.

strike

*Notwithstanding any provision of this title to the contrary*

insert

*For purposes of this section*

4. Line 122, enrolled, after *benefit*

strike

*; and*

insert

*, except for:*

5. At the beginning of line 123, enrolled

insert

*a. Coverage for child health supervision services pursuant to §38.2-3411,*

6. At the beginning of line 123, enrolled

insert

*b. Coverage for childhood immunizations pursuant to §38.2-3411.3,*

7. At the beginning of line 123, enrolled

insert

*c. Coverage for mental health and substance abuse services pursuant to § 38.2-3412.1,*

8. At the beginning of line 123, enrolled

insert

*d. Coverage for mammograms pursuant to § 38.2-3418.1,*

9. At the beginning of line 123, enrolled

insert

*e. Coverage for pap smears pursuant to § 38.2-3418.1:2,*

10. At the beginning of line 123, enrolled

insert

*f. Coverage for PSA testing pursuant to § 38.2-3418.7,*

11. At the beginning of line 123, enrolled

insert

*g. Coverage for colorectal cancer screening pursuant to § 38.2-3418.7:1; and*

12. At the beginning of line 123, enrolled

insert

*h. Coverage for diabetes pursuant to § 38.2-3418.10.*

13. At the beginning of line 132, enrolled, after *and*  
strike

the remainder of line 132

insert

*shall prominently disclose any and all state-mandated health benefits that the policy or subscription contract does not provide and shall clearly describe all eligibility requirements.*

/s/ Timothy M. Kaine  
Governor

The reading of the communication was waived.

Senator Watkins requested that, pursuant to Senate Rule 31, there be a division of the recommendations for consideration.

**S.B. 1411**, on motion of Senator Watkins, was amended in accordance with recommendations Nos. 1, 2, 3, 4, and 13 of the Governor.

The recorded vote is as follows:

YEAS--40. NAYS--0. RULE 36--0.

YEAS--Barker, Blevins, Colgan, Cuccinelli, Deeds, Edwards, Hanger, Herring, Houck, Howell, Hurt, Locke, Lucas, Marsh, Martin, McDougle, McEachin, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Obenshain, Petersen, Puckett, Puller, Quayle, Reynolds, Ruff, Saslaw, Smith, Stolle, Stosch, Stuart, Ticer, Vogel, Wagner, Wampler, Watkins, Whipple--40.

NAYS--0.

RULE 36--0.

Senator Watkins moved that the Senate refuse to amend **S.B. 1411** in accordance with recommendation No. 5 of the Governor.

The question was put on amending **S.B. 1411** in accordance with recommendation No. 5 of the Governor.

The Senate refused to so amend **S.B. 1411**.

The recorded vote is as follows:

YEAS--12. NAYS--28. RULE 36--0.

YEAS--Deeds, Edwards, Howell, Locke, Lucas, Marsh, McEachin, Miller, Y.B., Northam, Petersen, Puller, Whipple--12.

NAYS--Barker, Blevins, Colgan, Cuccinelli, Hanger, Herring, Houck, Hurt, Martin, McDougle, Miller, J.C., Newman, Norment, Obenshain, Puckett, Quayle, Reynolds, Ruff, Saslaw, Smith, Stolle, Stosch, Stuart, Ticer, Vogel, Wagner, Wampler, Watkins--28.

RULE 36--0.

Senator Watkins moved that the Senate refuse to amend **S.B. 1411** in accordance with recommendation No. 6 of the Governor.



The question was put on amending **S.B. 1411** in accordance with recommendation No. 6 of the Governor.

The Senate refused to so amend **S.B. 1411**.

The recorded vote is as follows:

YEAS--13. NAYS--27. RULE 36--0.

YEAS--Deeds, Edwards, Locke, Lucas, Marsh, McEachin, Miller, Y.B., Northam, Petersen, Puller, Stuart, Vogel, Whipple--13.

NAYS--Barker, Blevins, Colgan, Cuccinelli, Hanger, Herring, Houck, Howell, Hurt, Martin, McDougle, Miller, J.C., Newman, Norment, Obenshain, Puckett, Quayle, Reynolds, Ruff, Saslaw, Smith, Stolle, Stosch, Ticer, Wagner, Wampler, Watkins--27.

RULE 36--0.

Senator Watkins moved that the Senate refuse to amend **S.B. 1411** in accordance with recommendation No. 7 of the Governor.

The question was put on amending **S.B. 1411** in accordance with recommendation No. 7 of the Governor.

The Senate refused to so amend **S.B. 1411**.

The recorded vote is as follows:

YEAS--14. NAYS--26. RULE 36--0.

YEAS--Deeds, Edwards, Houck, Locke, Lucas, Marsh, McEachin, Miller, Y.B., Northam, Petersen, Puller, Stuart, Vogel, Whipple--14.

NAYS--Barker, Blevins, Colgan, Cuccinelli, Hanger, Herring, Howell, Hurt, Martin, McDougle, Miller, J.C., Newman, Norment, Obenshain, Puckett, Quayle, Reynolds, Ruff, Saslaw, Smith, Stolle, Stosch, Ticer, Wagner, Wampler, Watkins--26.

RULE 36--0.

**S.B. 1411**, on motion of Senator Watkins, was amended in accordance with recommendation No. 8 of the Governor.

The recorded vote is as follows:

YEAS--34. NAYS--6. RULE 36--0.

YEAS--Blevins, Colgan, Cuccinelli, Deeds, Edwards, Hanger, Houck, Howell, Hurt, Locke, Lucas, Marsh, McDougle, McEachin, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Obenshain, Petersen, Puller, Quayle, Saslaw, Smith, Stolle, Stosch, Stuart, Ticer, Vogel, Wagner, Wampler, Watkins, Whipple--34.

NAYS--Barker, Herring, Martin, Puckett, Reynolds, Ruff--6.

RULE 36--0.

**S.B. 1411**, on motion of Senator Watkins, was amended in accordance with recommendation No. 9 of the Governor.

The recorded vote is as follows:

YEAS--37. NAYS--3. RULE 36--0.

YEAS--Blevins, Colgan, Cuccinelli, Deeds, Edwards, Hanger, Herring, Houck, Howell, Hurt, Locke, Lucas, Marsh, Martin, McDougale, McEachin, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Obenshain, Petersen, Puckett, Puller, Quayle, Saslaw, Smith, Stolle, Stosch, Stuart, Ticer, Vogel, Wagner, Wampler, Watkins, Whipple--37.

NAYS--Barker, Reynolds, Ruff--3.

RULE 36--0.

### STATEMENTS ON VOTE

Senator Herring stated that he was recorded as voting yea on the question of amending **S.B. 1411** in accordance with recommendation No. 9 of the Governor, whereas he intended to vote nay.

Senator Martin stated that he was recorded as voting yea on the question of amending **S.B. 1411** in accordance with recommendation No. 9 of the Governor, whereas he intended to vote nay.

**S.B. 1411**, on motion of Senator Watkins, was amended in accordance with recommendation No. 10 of the Governor.

The recorded vote is as follows:

YEAS--35. NAYS--5. RULE 36--0.

YEAS--Blevins, Colgan, Cuccinelli, Deeds, Edwards, Hanger, Houck, Howell, Hurt, Locke, Lucas, Marsh, McDougale, McEachin, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Obenshain, Petersen, Puckett, Puller, Quayle, Saslaw, Smith, Stolle, Stosch, Stuart, Ticer, Vogel, Wagner, Wampler, Watkins, Whipple--35.

NAYS--Barker, Herring, Martin, Reynolds, Ruff--5.

RULE 36--0.

**S.B. 1411**, on motion of Senator Watkins, was amended in accordance with recommendation No. 11 of the Governor.

The recorded vote is as follows:

YEAS--35. NAYS--5. RULE 36--0.

YEAS--Blevins, Colgan, Cuccinelli, Deeds, Edwards, Hanger, Houck, Howell, Hurt, Locke, Lucas, Marsh, McDougale, McEachin, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Obenshain, Petersen, Puckett, Puller, Quayle, Saslaw, Smith, Stolle, Stosch, Stuart, Ticer, Vogel, Wagner, Wampler, Watkins, Whipple--35.

NAYS--Barker, Herring, Martin, Reynolds, Ruff--5.

RULE 36--0.

Senator Watkins moved that the Senate refuse to amend **S.B. 1411** in accordance with recommendation No. 12 of the Governor.

The question was put on amending **S.B. 1411** in accordance with recommendation No. 12 of the Governor.

The Senate refused to so amend **S.B. 1411**.

The recorded vote is as follows:

YEAS--16. NAYS--23. RULE 36--0.

YEAS--Colgan, Edwards, Howell, Hurt, Locke, Lucas, Marsh, McEachin, Miller, J.C., Miller, Y.B., Norment, Northam, Puller, Stuart, Vogel, Whipple--16.

NAYS--Barker, Blevins, Cuccinelli, Deeds, Hanger, Herring, Houck, Martin, McDougale, Newman, Obenshain, Petersen, Puckett, Quayle, Reynolds, Ruff, Smith, Stolle, Stosch, Ticer, Wagner, Wampler, Watkins--23.

RULE 36--0.

**S.B. 1442** (one thousand four hundred forty-two) was taken up together with the following communication from the Governor:

COMMONWEALTH OF VIRGINIA

Office of the Governor

March 30, 2009

TO THE SENATE OF VIRGINIA:

SENATE BILL NO. 1442

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following Amendment in the Nature of a Substitute be accepted.

/s/ Timothy M. Kaine

Governor

AMENDMENT IN THE NATURE OF A SUBSTITUTE FOR SENATE BILL NO. 1442

[The substitute having been printed separately, the title only is recorded as follows:]

A BILL to amend and reenact §§ 17.1-279 and 17.1-502 of the Code of Virginia, relating to case and financial management systems; interface with circuit courts.

The reading of the communication was waived.

**S.B. 1442**, on motion of Senator Stolle, was amended in accordance with the recommendation of the Governor.

The recorded vote is as follows:

YEAS--40. NAYS--0. RULE 36--0.

YEAS--Barker, Blevins, Colgan, Cuccinelli, Deeds, Edwards, Hanger, Herring, Houck, Howell, Hurt, Locke, Lucas, Marsh, Martin, McDougale, McEachin, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Obenshain, Petersen, Puckett, Puller, Quayle, Reynolds, Ruff, Saslaw, Smith, Stolle, Stosch, Stuart, Ticer, Vogel, Wagner, Wampler, Watkins, Whipple--40.

NAYS--0.

RULE 36--0.

**RECONSIDERATION**

Senator Stolle moved to reconsider the vote by which **S.B. 1442** (one thousand four hundred forty-two) was amended in accordance with the recommendation of the Governor:

The motion was agreed to.

The recorded vote is as follows:

YEAS--40. NAYS--0. RULE 36--0.

YEAS--Barker, Blevins, Colgan, Cuccinelli, Deeds, Edwards, Hanger, Herring, Houck, Howell, Hurt, Locke, Lucas, Marsh, Martin, McDougle, McEachin, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Obenshain, Petersen, Puckett, Puller, Quayle, Reynolds, Ruff, Saslaw, Smith, Stolle, Stosch, Stuart, Ticer, Vogel, Wagner, Wampler, Watkins, Whipple--40.

NAYS--0.

RULE 36--0.

**THE PRESIDENT PRO TEMPORE PRESIDING**

At the request of the President, the President pro tempore, Senator Colgan, took the Chair.

**S.B. 1442**, on motion of Senator Stolle, was passed by temporarily.

**S.B. 1453** (one thousand four hundred fifty-three) was taken up together with the following communication from the Governor:

COMMONWEALTH OF VIRGINIA

Office of the Governor

March 30, 2009

TO THE SENATE OF VIRGINIA:

SENATE BILL NO. 1453

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following amendments be made:

1. Line 90, enrolled, after *membership of*  
 strike  
                                   15  
 insert  
                                   19
  
2. Line 91, enrolled, after *members*,  
 strike  
                                   *eight*  
 insert  
                                   12
  
3. Line 95, enrolled, after *Delegates*;  
 strike  
                                   *eight*

insert

*12*

4. Line 98, enrolled, after *Citizen*,  
strike

*and*

5. Line 98, enrolled, after *representative of*  
strike

*the Virginia Commonwealth University Public Policy Center,*

insert

*a public policy center with one of the Commonwealth's public institutions of higher education, one shall be a representative of the Virginia Association of Counties, one shall be a representative of the Virginia Municipal League,*

6. Line 99, enrolled, after *Committee*  
strike

*. (period)*

insert

*; and two shall be nonlegislative citizen members appointed by the Governor, subject to confirmation by the General Assembly.*

/s/ Timothy M. Kaine  
Governor

The reading of the communication was waived.

**S.B. 1453**, on motion of Senator Petersen, was amended in accordance with the recommendations of the Governor.

The recorded vote is as follows:

YEAS--37. NAYS--3. RULE 36--0.

YEAS--Barker, Blevins, Colgan, Deeds, Edwards, Hanger, Herring, Houck, Howell, Hurt, Locke, Lucas, Marsh, Martin, McDougle, McEachin, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Petersen, Puckett, Puller, Quayle, Reynolds, Ruff, Saslaw, Stolle, Stosch, Stuart, Ticer, Vogel, Wagner, Wampler, Watkins, Whipple--37.

NAYS--Cuccinelli, Obenshain, Smith--3.

RULE 36--0.

**S.B. 1470** (one thousand four hundred seventy) was taken up together with the following communication from the Governor:

COMMONWEALTH OF VIRGINIA  
Office of the Governor

March 30, 2009

TO THE SENATE OF VIRGINIA:  
SENATE BILL NO. 1470

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following amendment be made:

1. After line 74, enrolled  
insert

3. That an emergency exists and this act is in force from its passage.

/s/ Timothy M. Kaine  
Governor

The reading of the communication was waived.

**THE PRESIDENT PRESIDING**

The President resumed the Chair.

**S.B. 1470**, on motion of Senator Saslaw, was amended in accordance with the recommendation of the Governor.

The recorded vote is as follows:

YEAS--40. NAYS--0. RULE 36--0.

YEAS--Barker, Blevins, Colgan, Cuccinelli, Deeds, Edwards, Hanger, Herring, Houck, Howell, Hurt, Locke, Lucas, Marsh, Martin, McDougle, McEachin, Miller, J.C., Miller, Y.B., Newman, Normont, Northam, Obenshain, Petersen, Puckett, Puller, Quayle, Reynolds, Ruff, Saslaw, Smith, Stolle, Stosch, Stuart, Ticer, Vogel, Wagner, Wampler, Watkins, Whipple--40.

NAYS--0.

RULE 36--0.

**S.B. 1471** (one thousand four hundred seventy-one) was taken up together with the following communication from the Governor:

COMMONWEALTH OF VIRGINIA

Office of the Governor

March 30, 2009

TO THE SENATE OF VIRGINIA:

SENATE BILL NO. 1471

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following amendment be made:

1. Line 15, enrolled, after *15.2-1502 and*  
strike

*with the concurrence of*

insert

*in a form approved by*

/s/ Timothy M. Kaine  
Governor

The reading of the communication was waived.

**S.B. 1471**, on motion of Senator Saslaw, was amended in accordance with the recommendation of the Governor.

The recorded vote is as follows:

YEAS--40. NAYS--0. RULE 36--0.

YEAS--Barker, Blevins, Colgan, Cuccinelli, Deeds, Edwards, Hanger, Herring, Houck, Howell, Hurt, Locke, Lucas, Marsh, Martin, McDougle, McEachin, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Obenshain, Petersen, Puckett, Puller, Quayle, Reynolds, Ruff, Saslaw, Smith, Stolle, Stosch, Stuart, Ticer, Vogel, Wagner, Wampler, Watkins, Whipple--40.

NAYS--0.

RULE 36--0.

**S.B. 1495** (one thousand four hundred ninety-five) was taken up together with the following communication from the Governor:

COMMONWEALTH OF VIRGINIA

Office of the Governor

March 30, 2009

TO THE SENATE OF VIRGINIA:

SENATE BILL NO. 1495

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following Amendment in the Nature of a Substitute be accepted.

/s/ Timothy M. Kaine

Governor

AMENDMENT IN THE NATURE OF A SUBSTITUTE FOR SENATE BILL NO. 1495

[The substitute having been printed separately, the title only is recorded as follows:]

A BILL to amend and reenact §§ 60.2-528, 60.2-612, and 60.2-618 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 60.2-613.1, relating to unemployment compensation; voluntarily leaving employment to accompany military spouse; eligibility of certain individuals for benefits.

The reading of the communication was waived.

Senator Locke moved to amend **S.B. 1495** in accordance with the recommendation of the Governor.

Senator Stolle moved that lines 133-136 be removed from the recommendation of the Governor to **S.B. 1495**, as follows:

*d. An individual who was employed part-time during at least one-half of the weeks of work in the individual's base period shall be deemed to satisfy the requirements that he be available for work and actively seeking and unable to obtain suitable work if the individual is available for and actively seeking work that is comparable to the individual's part-time work experience in the base period.*

Senator Stolle withdrew the motion.

Senator Stolle moved, as a substitute motion, that the Senate determine that the Governor's recommendation to **S.B. 1495** was specific and severable.

#### PARLIAMENTARY INQUIRY

Senator Whipple propounded a parliamentary inquiry as to whether the vote to determine if the Governor had sent down specific and severable amendments to **S.B. 1495** was similar to a previous vote by which the Senate determined that the Governor's recommendation was specific and severable.

The Chair stated that although no two votes were similar, the motion to determine if the Governor had sent down specific and severable amendments to **S.B. 1495** was similar to a motion previously made to determine if the Governor had sent down specific and severable amendments.

The question was put on whether the Governor's recommendation to **S.B. 1495** was specific and severable.

The Senate determined that the Governor's recommendation to **S.B. 1495** was specific and severable.

The recorded vote is as follows:

YEAS--20. NAYS--19. RULE 36--0.

YEAS--Barker, Colgan, Deeds, Edwards, Herring, Houck, Howell, Locke, Lucas, McEachin, Miller, J.C., Miller, Y.B., Northam, Petersen, Puckett, Puller, Reynolds, Saslaw, Ticer, Whipple--20.

NAYS--Blevins, Cuccinelli, Hanger, Hurt, Martin, McDougle, Newman, Norment, Obenshain, Quayle, Ruff, Smith, Stolle, Stosch, Stuart, Vogel, Wagner, Wampler, Watkins--19.

RULE 36--0.

Senator Stolle requested that, pursuant to Senate Rule 31, there be a division of the recommendation for consideration.

**S.B. 1495**, on motion of Senator Locke, was amended in accordance with the recommendation of the Governor, except for lines 133-136, 169-172, and 257-258.

The recorded vote is as follows:

YEAS--40. NAYS--0. RULE 36--0.

YEAS--Barker, Blevins, Colgan, Cuccinelli, Deeds, Edwards, Hanger, Herring, Houck, Howell, Hurt, Locke, Lucas, Marsh, Martin, McDougle, McEachin, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Obenshain, Petersen, Puckett, Puller, Quayle, Reynolds, Ruff, Saslaw, Smith, Stolle, Stosch, Stuart, Ticer, Vogel, Wagner, Wampler, Watkins, Whipple--40.

NAYS--0.

RULE 36--0.



The question was put on amending **S.B. 1495** in accordance with the recommendation of the Governor on lines 133-136, as follows:

*d. An individual who was employed part-time during at least one-half of the weeks of work in the individual's base period shall be deemed to satisfy the requirements that he be available for work and actively seeking and unable to obtain suitable work if the individual is available for and actively seeking work that is comparable to the individual's part-time work experience in the base period.*

on lines 169-172, as follows:

*B. No otherwise eligible individual shall be denied additional benefits during training under this section by reason of the application of the provisions of subdivision 7 d of § 60.2-612 relating to availability for work, or the provisions of subdivision 3 of § 60.2-618 relating to failure to apply for, or a refusal to accept, suitable work.*

and on lines 257-258, as follows:

*e. No individual who is authorized to be available only for part-time work under the provisions of subdivision 7 d of § 60.2-612 shall be denied benefits for refusing an offer of full-time employment.*

#### PARLIAMENTARY INQUIRIES

Senator Watkins propounded a parliamentary inquiry as to whether the motion before the Senate was to amend **S.B. 1495** by three sets of lines en bloc in accordance with the recommendation of the Governor.

The Chair stated that the Senator was correct.

Senator Watkins propounded a further parliamentary inquiry as to whether three sets of lines en bloc to **S.B. 1495** could be severed.

The Chair stated that procedurally the Senate could sever the three sets of lines en bloc to **S.B. 1495**, but that they were related in subject matter.

**S.B. 1495** was amended in accordance with the recommendation of the Governor on lines 133-136, 169-179, and 257-258.

The recorded vote is as follows:

YEAS--21. NAYS--19. RULE 36--0.

YEAS--Barker, Colgan, Deeds, Edwards, Herring, Houck, Howell, Locke, Lucas, Marsh, McEachin, Miller, J.C., Miller, Y.B., Northam, Petersen, Puckett, Puller, Reynolds, Saslaw, Ticer, Whipple--21.

NAYS--Blevins, Cuccinelli, Hanger, Hurt, Martin, McDougle, Newman, Norment, Obenshain, Quayle, Ruff, Smith, Stolle, Stosch, Stuart, Vogel, Wagner, Wampler, Watkins--19.

RULE 36--0.

**S.B. 1525** (one thousand five hundred twenty-five) was taken up together with the following communication from the Governor:

COMMONWEALTH OF VIRGINIA  
Office of the Governor

March 30, 2009

TO THE SENATE OF VIRGINIA:  
SENATE BILL NO. 1525

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following amendments be made:

1. Line 22, enrolled, after over  
insert  
*(i)*
  
2. Line 23, enrolled, after and  
insert  
*(ii)*
  
3. Line 24, enrolled, after activities  
strike  
; (semi-colon)  
insert  
*or the award of the contract for goods or services;*

/s/ Timothy M. Kaine  
Governor

The reading of the communication was waived.

**S.B. 1525**, on motion of Senator Martin, was amended in accordance with the recommendations of the Governor.

The recorded vote is as follows:

YEAS--40. NAYS--0. RULE 36--0.

YEAS--Barker, Blevins, Colgan, Cuccinelli, Deeds, Edwards, Hanger, Herring, Houck, Howell, Hurt, Locke, Lucas, Marsh, Martin, McDougle, McEachin, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Obenshain, Petersen, Puckett, Puller, Quayle, Reynolds, Ruff, Saslaw, Smith, Stolle, Stosch, Stuart, Ticer, Vogel, Wagner, Wampler, Watkins, Whipple--40.

NAYS--0.

RULE 36--0.

**S.B. 1535** (one thousand five hundred thirty-five) was taken up together with the following communication from the Governor:

## COMMONWEALTH OF VIRGINIA

Office of the Governor

March 30, 2009

TO THE SENATE OF VIRGINIA:

SENATE BILL NO. 1535

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following amendment be made:

1. Line 27, enrolled, after *Planning*  
strike  
*Districts*  
insert  
*District Commissions*

/s/ Timothy M. Kaine  
Governor

The reading of the communication was waived.

**S.B. 1535**, on motion of Senator Ruff, was amended in accordance with the recommendation of the Governor.

The recorded vote is as follows:

YEAS--40. NAYS--0. RULE 36--0.

YEAS--Barker, Blevins, Colgan, Cuccinelli, Deeds, Edwards, Hanger, Herring, Houck, Howell, Hurt, Locke, Lucas, Marsh, Martin, McDougle, McEachin, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Obenshain, Petersen, Puckett, Puller, Quayle, Reynolds, Ruff, Saslaw, Smith, Stolle, Stosch, Stuart, Ticer, Vogel, Wagner, Wampler, Watkins, Whipple--40.

NAYS--0.

RULE 36--0.

**S.B. 1547** (one thousand five hundred forty-seven) was taken up together with the following communication from the Governor:

## COMMONWEALTH OF VIRGINIA

Office of the Governor

March 30, 2009

TO THE SENATE OF VIRGINIA:

SENATE BILL NO. 1547

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following amendment be made:

1. Line 17, enrolled, after *aid*  
strike  
*or other higher education*

/s/ Timothy M. Kaine  
Governor

The reading of the communication was waived.

**S.B. 1547**, on motion of Senator Cuccinelli, was amended in accordance with the recommendation of the Governor.

The recorded vote is as follows:

YEAS--40. NAYS--0. RULE 36--0.

YEAS--Barker, Blevins, Colgan, Cuccinelli, Deeds, Edwards, Hanger, Herring, Houck, Howell, Hurt, Locke, Lucas, Marsh, Martin, McDougle, McEachin, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Obenshain, Petersen, Puckett, Puller, Quayle, Reynolds, Ruff, Saslaw, Smith, Stolle, Stosch, Stuart, Ticer, Vogel, Wagner, Wampler, Watkins, Whipple--40.

NAYS--0.

RULE 36--0.

**S.B. 1018** (one thousand eighteen) was taken up.

#### PARLIAMENTARY INQUIRY

Senator Cuccinelli restated his parliamentary inquiry as to whether recommendations Nos. 1, 2, and 6 of the Governor to **S.B. 1018** violated Article IV, Section 12, of the Constitution which states: "No law shall embrace more than one object, which shall be expressed in its title."

The Chair stated that recommendations Nos. 1, 2, and 6 of the Governor to **S.B. 1018** did not violate Article IV, Section 12, of the Constitution, because the General Assembly had previously expanded the bill to incorporate chapters and sections of the Code which were addressed by recommendations Nos. 1, 2, and 6 of the Governor.

Senator Cuccinelli withdrew his request to divide the recommendations for consideration.

Senator Stolle requested that, pursuant to Senate Rule 31, there be a division of the recommendations for consideration.

The question was put on amending **S.B. 1018** in accordance with recommendations Nos. 1, 2, 3, 4, and 5 of the Governor.

**S.B. 1018** was amended in accordance with recommendations Nos. 1, 2, 3, 4, and 5 of the Governor.

The recorded vote is as follows:

YEAS--37. NAYS--3. RULE 36--0.

YEAS--Barker, Blevins, Colgan, Deeds, Edwards, Hanger, Herring, Houck, Howell, Hurt, Locke, Lucas, Marsh, McDougle, McEachin, Miller, J.C., Miller, Y.B., Norment, Northam, Obenshain, Petersen, Puckett, Puller, Quayle, Reynolds, Ruff, Saslaw, Smith, Stolle, Stosch, Stuart, Ticer, Vogel, Wagner, Wampler, Watkins, Whipple--37.

NAYS--Cuccinelli, Martin, Newman--3.

RULE 36--0.

The question was put on amending **S.B. 1018** in accordance with recommendation No. 6 of the Governor.

**S.B. 1018** was amended in accordance with recommendation No. 6 of the Governor.

The recorded vote is as follows:

YEAS--20. NAYS--18. RULE 36--0.

YEAS--Barker, Deeds, Edwards, Herring, Houck, Howell, Hurt, Locke, Lucas, Marsh, McEachin, Miller, J.C., Miller, Y.B., Northam, Petersen, Puckett, Puller, Reynolds, Ticer, Whipple--20.

NAYS--Blevins, Cuccinelli, Hanger, Martin, McDougle, Newman, Norment, Obenshain, Quayle, Ruff, Smith, Stolle, Stosch, Stuart, Vogel, Wagner, Wampler, Watkins--18.

RULE 36--0.

**S.B. 1248** (one thousand two hundred forty-eight) was taken up together with the following communication from the Governor:

COMMONWEALTH OF VIRGINIA

Office of the Governor

March 30, 2009

TO THE SENATE OF VIRGINIA:

SENATE BILL NO. 1248

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following Amendment in the Nature of a Substitute be accepted.

/s/ Timothy M. Kaine

Governor

AMENDMENT IN THE NATURE OF A SUBSTITUTE FOR SENATE BILL NO. 1248

[The substitute having been printed separately, the title only is recorded as follows:]

A BILL to amend and reenact §§ 56-576, 56-585.1, 56-585.3, and 67-202.1 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 23 of Title 56 a section numbered 56-596.1, relating to energy efficiency standards; electrical generation rates; assessments by electric cooperatives.

The reading of the communication was waived.

**S.B. 1248**, on motion of Senator Northam, was amended in accordance with the recommendation of the Governor.

The recorded vote is as follows:

YEAS--22. NAYS--18. RULE 36--0.

YEAS--Barker, Colgan, Deeds, Edwards, Herring, Houck, Howell, Locke, Lucas, Marsh, McEachin, Miller, J.C., Miller, Y.B., Northam, Petersen, Puckett, Puller, Reynolds, Saslaw, Ticer, Vogel, Whipple--22.

NAYS--Blevins, Cuccinelli, Hanger, Hurt, Martin, McDougle, Newman, Norment, Obenshain, Quayle, Ruff, Smith, Stolle, Stosch, Stuart, Wagner, Wampler, Watkins--18.

RULE 36--0.

### RECONSIDERATION

Senator Hurt moved to reconsider the vote by which **S.B. 1018** (one thousand eighteen) was amended in accordance with recommendation No. 6 of the Governor.

The motion was agreed to.

The recorded vote is as follows:

YEAS--38. NAYS--0. RULE 36--0.

YEAS--Barker, Blevins, Cuccinelli, Deeds, Edwards, Hanger, Herring, Houck, Howell, Hurt, Locke, Lucas, Marsh, Martin, McDougle, McEachin, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Obenshain, Petersen, Puckett, Puller, Quayle, Reynolds, Ruff, Smith, Stolle, Stosch, Stuart, Ticer, Vogel, Wagner, Wampler, Watkins, Whipple--38.

NAYS--0.

RULE 36--0.

Senator Miller, J.C., moved to amend **S.B. 1018** in accordance with recommendation No. 6 of the Governor.

The question was put on amending **S.B. 1018** in accordance with recommendation No. 6 of the Governor.

The recorded vote is as follows:

YEAS--19. NAYS--19. RULE 36--0.

YEAS--Barker, Deeds, Edwards, Herring, Houck, Howell, Locke, Lucas, Marsh, McEachin, Miller, J.C., Miller, Y.B., Northam, Petersen, Puckett, Puller, Reynolds, Ticer, Whipple--19.

NAYS--Blevins, Cuccinelli, Hanger, Hurt, Martin, McDougle, Newman, Norment, Obenshain, Quayle, Ruff, Smith, Stolle, Stosch, Stuart, Vogel, Wagner, Wampler, Watkins--19.

RULE 36--0.

There being an equal division, the President cast his vote in accordance with Article V, Section 14, of the Constitution.

The President voted nay.

The final vote is as follows:

YEAS--19. NAYS--20. RULE 36--0.

The Senate refused to so amend **S.B. 1018**.

**S.B. 1442** (one thousand four hundred forty-two) was taken up.

Senator Stolle moved that the Senate refuse to amend **S.B. 1442** in accordance with the recommendation of the Governor.

The question was put on amending **S.B. 1442** in accordance with the recommendation of the Governor.

**S.B. 1442** was amended in accordance with the recommendation of the Governor.

The recorded vote is as follows:

YEAS--23. NAYS--17. RULE 36--0.

YEAS--Barker, Blevins, Colgan, Deeds, Edwards, Herring, Houck, Howell, Locke, Lucas, Marsh, Martin, McEachin, Miller, J.C., Miller, Y.B., Northam, Petersen, Puckett, Puller, Reynolds, Saslaw, Ticer, Whipple--23.

NAYS--Cuccinelli, Hanger, Hurt, McDougale, Newman, Norment, Obenshain, Quayle, Ruff, Smith, Stolle, Stosch, Stuart, Vogel, Wagner, Wampler, Watkins--17.

RULE 36--0.

### RECONSIDERATION

Senator Herring moved to reconsider the vote by which **S.B. 1348** (one thousand three hundred forty-eight) was amended in accordance with the recommendation of the Governor.

The motion was agreed to.

The recorded vote is as follows:

YEAS--40. NAYS--0. RULE 36--0.

YEAS--Barker, Blevins, Colgan, Cuccinelli, Deeds, Edwards, Hanger, Herring, Houck, Howell, Hurt, Locke, Lucas, Marsh, Martin, McDougale, McEachin, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Obenshain, Petersen, Puckett, Puller, Quayle, Reynolds, Ruff, Saslaw, Smith, Stolle, Stosch, Stuart, Ticer, Vogel, Wagner, Wampler, Watkins, Whipple--40.

NAYS--0.

RULE 36--0.

**S.B. 1348**, on motion of Senator Wagner, was amended in accordance with the recommendation of the Governor.

The recorded vote is as follows:

YEAS--36. NAYS--4. RULE 36--0.

YEAS--Blevins, Colgan, Cuccinelli, Deeds, Edwards, Hanger, Houck, Howell, Hurt, Locke, Lucas, Marsh, Martin, McDougle, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Obenshain, Puckett, Puller, Quayle, Reynolds, Ruff, Saslaw, Smith, Stolle, Stosch, Stuart, Ticer, Vogel, Wagner, Wampler, Watkins, Whipple--36.

NAYS--Barker, Herring, McEachin, Petersen--4.

RULE 36--0.

### SENATE BILLS VETOED BY GOVERNOR

**S.B. 877** (eight hundred seventy-seven) was returned by the Governor with the following communication:

#### COMMONWEALTH OF VIRGINIA

Office of the Governor

March 30, 2009

TO THE SENATE OF VIRGINIA:

SENATE BILL NO. 877

Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto Senate Bill 877, which would allow retired law enforcement officers to carry concealed weapons into restaurants or clubs that serve alcoholic beverages.

While it makes sense for on-duty law enforcement officers to be permitted to carry their firearms when in such establishments, there is no compelling reason for retired law enforcement officers to have weapons in localities where alcohol is served.

Accordingly, I veto this bill.

/s/ Timothy M. Kaine  
Governor

The reading of the communication was waived.

**S.B. 877**, on motion of Senator Martin, was passed in the enrolled form, notwithstanding the objections of the Governor.

The recorded vote is as follows:

YEAS--30. NAYS--10. RULE 36--0.

YEAS--Barker, Blevins, Cuccinelli, Deeds, Edwards, Hanger, Herring, Houck, Hurt, Locke, Lucas, Martin, McDougle, Miller, J.C., Newman, Norment, Obenshain, Petersen, Puckett, Quayle, Reynolds, Ruff, Smith, Stolle, Stosch, Stuart, Vogel, Wagner, Wampler, Watkins--30.

NAYS--Colgan, Howell, Marsh, McEachin, Miller, Y.B., Northam, Puller, Saslaw, Ticer, Whipple--10.

RULE 36--0.



**STATEMENT ON VOTE**

Senator Northam stated that he was recorded as voting nay on the question of the passage of the enrolled form of **S.B. 877**, notwithstanding the objections of the Governor, whereas he intended to vote yea.

**S.B. 961** (nine hundred sixty-one) was returned by the Governor with the following communication:

## COMMONWEALTH OF VIRGINIA

Office of the Governor

March 30, 2009

TO THE SENATE OF VIRGINIA:

SENATE BILL NO. 961

Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto Senate Bill 961, which expands the list of crimes for which an offender is eligible for capital punishment.

Virginia is already second in the nation in the number of executions we carry out. While the nature of the offense targeted by this legislation is very serious, I do not believe that further expansion of the death penalty is necessary to protect human life.

Accordingly, I am vetoing this bill.

/s/ Timothy M. Kaine

Governor

The reading of the communication was waived.

Senator Obenshain moved that **S.B. 961** be passed in the enrolled form, notwithstanding the objections of the Governor.

**THE PRESIDENT PRO TEMPORE PRESIDING**

At the request of the President, the President pro tempore, Senator Colgan, took the Chair.

**THE PRESIDENT PRESIDING**

The President resumed the Chair.

The question was put on passing **S.B. 961** in the enrolled form, notwithstanding the objections of the Governor.

**S.B. 961** failed to pass in the enrolled form, having failed to receive the necessary affirmative votes required by Article V, Section 6, of the Constitution.

The recorded vote is as follows:

YEAS--24. NAYS--16. RULE 36--0.

YEAS--Blevins, Deeds, Hanger, Herring, Houck, Hurt, Martin, McDougle, Miller, J.C., Newman, Norment, Obenshain, Puckett, Quayle, Reynolds, Ruff, Smith, Stolle, Stosch, Stuart, Vogel, Wagner, Wampler, Watkins--24.

NAYS--Barker, Colgan, Cuccinelli, Edwards, Howell, Locke, Lucas, Marsh, McEachin, Miller, Y.B., Northam, Petersen, Puller, Saslaw, Ticer, Whipple--16.

RULE 36--0.

**S.B. 1035** (one thousand thirty-five) was returned by the Governor with the following communication:

COMMONWEALTH OF VIRGINIA

Office of the Governor

March 30, 2009

TO THE SENATE OF VIRGINIA:

SENATE BILL NO. 1035

Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto Senate Bill 1035, which would allow persons to carry concealed weapons into restaurants or clubs that serve alcoholic beverages.

Allowing concealed weapons into restaurants and bars that serve alcohol puts the public, the employees, and our public safety officers at risk. I take seriously the objections of law enforcement to this measure.

Accordingly, I veto this bill.

/s/ Timothy M. Kaine

Governor

The reading of the communication was waived.

Senator Hanger moved that **S.B. 1035** be passed in the enrolled form, notwithstanding the objections of the Governor.

The question was put on passing **S.B. 1035** in the enrolled form, notwithstanding the objections of the Governor.

**S.B. 1035** failed to pass in the enrolled form, having failed to receive the necessary affirmative votes required by Article V, Section 6, of the Constitution.

The recorded vote is as follows:

YEAS--24. NAYS--16. RULE 36--0.

YEAS--Blevins, Cuccinelli, Deeds, Edwards, Hanger, Houck, Hurt, Martin, McDougale, Newman, Obenshain, Petersen, Puckett, Quayle, Reynolds, Ruff, Smith, Stolle, Stosch, Stuart, Vogel, Wagner, Wampler, Watkins--24.

NAYS--Barker, Colgan, Herring, Howell, Locke, Lucas, Marsh, McEachin, Miller, J.C., Miller, Y.B., Norment, Northam, Puller, Saslaw, Ticer, Whipple--16.

RULE 36--0.

### STATEMENT ON VOTE

Senator Blevins stated that he was recorded as voting yea on the question of the passage of the enrolled form of **S.B. 1035**, notwithstanding the objections of the Governor, whereas he intended to vote nay.

**S.B. 1069** (one thousand sixty-nine) was returned by the Governor with the following communication:

#### COMMONWEALTH OF VIRGINIA

Office of the Governor

March 30, 2009

TO THE SENATE OF VIRGINIA:  
SENATE BILL NO. 1069

Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto Senate Bill 1069, which expands the capital murder statute to increase the number of offenders who would be eligible for capital punishment.

Virginia is already second in the nation in the number of executions we carry out. While the nature of the offense targeted by this legislation is very serious, I do not believe that further expansion of the death penalty is necessary to protect human life.

Accordingly, I am vetoing this bill.

/s/ Timothy M. Kaine  
Governor

The reading of the communication was waived.

Senator Martin moved that **S.B. 1069** be passed in the enrolled form, notwithstanding the objections of the Governor.

The question was put on passing **S.B. 1069** in the enrolled form, notwithstanding the objections of the Governor.

**S.B. 1069** failed to pass in the enrolled form, having failed to receive the necessary affirmative votes required by Article V, Section 6, of the Constitution.

The recorded vote is as follows:

YEAS--25. NAYS--15. RULE 36--0.

YEAS--Barker, Blevins, Cuccinelli, Deeds, Hanger, Herring, Houck, Hurt, Martin, McDougle, Newman, Norment, Obenshain, Puckett, Quayle, Reynolds, Ruff, Smith, Stolle, Stosch, Stuart, Vogel, Wagner, Wampler, Watkins--25.

NAYS--Colgan, Edwards, Howell, Locke, Lucas, Marsh, McEachin, Miller, J.C., Miller, Y.B., Northam, Petersen, Puller, Saslaw, Ticer, Whipple--15.

RULE 36--0.

**S.B. 1374** (one thousand three hundred seventy-four) was returned by the Governor with the following communication:

COMMONWEALTH OF VIRGINIA

Office of the Governor

March 30, 2009

TO THE SENATE OF VIRGINIA:

SENATE BILL NO. 1374

Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto Senate Bill 1374, which would allow unlicensed law enforcement officers to operate new, unregulated lie detection devices.

I proposed an amendment to an identical House bill that would have allowed additional devices, but regulate them in a way similar to the existing rules for polygraph machines. Unfortunately, that amendment was defeated by the House.

Untested, unregulated devices should not be used in police investigations. Law enforcement conceded as much when they added an amendment prohibiting the use of these machines in internal investigations.

Accordingly, I veto this bill.

/s/ Timothy M. Kaine

Governor

The reading of the communication was waived.

Senator Ruff moved that **S.B. 1374** be passed in the enrolled form, notwithstanding the objections of the Governor.

The question was put on passing **S.B. 1374** in the enrolled form, notwithstanding the objections of the Governor.

**S.B. 1374** failed to pass in the enrolled form.

The recorded vote is as follows:

YEAS--19. NAYS--20. RULE 36--0.

YEAS--Barker, Blevins, Cuccinelli, Hanger, Martin, McDougle, Miller, J.C., Norment, Obenshain, Quayle, Ruff, Smith, Stolle, Stosch, Stuart, Vogel, Wagner, Wampler, Watkins--19.

NAYS--Colgan, Deeds, Edwards, Herring, Houck, Howell, Hurt, Locke, Lucas, Marsh, McEachin, Miller, Y.B., Northam, Petersen, Puckett, Puller, Reynolds, Saslaw, Ticer, Whipple--20.

RULE 36--0.

**S.B. 1409** (one thousand four hundred nine) was returned by the Governor with the following communication:

COMMONWEALTH OF VIRGINIA

Office of the Governor

March 30, 2009

TO THE SENATE OF VIRGINIA:

SENATE BILL NO. 1409

Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto Senate Bill 1409, which expands the capital murder statute to increase the number of offenders who would be eligible for capital punishment.

Virginia is already second in the nation in the number of executions we carry out. While the nature of the offense targeted by this legislation is very serious, I do not believe that further expansion of the death penalty is necessary to protect human life.

Accordingly, I am vetoing this bill.

/s/ Timothy M. Kaine

Governor

The reading of the communication was waived.

Senator Norment moved that **S.B. 1409** be passed in the enrolled form, notwithstanding the objections of the Governor.

The question was put on passing **S.B. 1409** in the enrolled form, notwithstanding the objections of the Governor.

**S.B. 1409** failed to pass in the enrolled form, having failed to receive the necessary affirmative votes required by Article V, Section 6, of the Constitution.

The recorded vote is as follows:

YEAS--23. NAYS--15. RULE 36--0.

YEAS--Blevins, Cuccinelli, Deeds, Hanger, Herring, Houck, Hurt, Martin, McDougle, Norment, Obenshain, Puckett, Quayle, Reynolds, Ruff, Smith, Stolle, Stosch, Stuart, Vogel, Wagner, Wampler, Watkins--23.

NAYS--Barker, Colgan, Edwards, Howell, Locke, Lucas, Marsh, McEachin, Miller, J.C., Miller, Y.B., Northam, Petersen, Puller, Ticer, Whipple--15.

RULE 36--0.

**S.B. 1528** (one thousand five hundred twenty-eight) was returned by the Governor with the following communication:

COMMONWEALTH OF VIRGINIA

Office of the Governor

March 30, 2009

TO THE SENATE OF VIRGINIA:

SENATE BILL NO. 1528

Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto Senate Bill 1528, which would allow the firearms training required to receive a concealed weapons permit to be completed online.

The state requires an applicant for a concealed weapons permit to take a written safety test to demonstrate that the individual understands how to use a weapon in a safe manner. Allowing the testing to be done online would weaken the ability of the Commonwealth to determine who is actually taking the test and open up opportunities for individuals to receive a permit under fraudulent circumstances with no guarantee that they can use a weapon safely.

Accordingly, I veto this bill.

/s/ Timothy M. Kaine

Governor

The reading of the communication was waived.

**S.B. 1528**, on motion of Senator Cuccinelli, was passed in the enrolled form, notwithstanding the objections of the Governor.

The recorded vote is as follows:

YEAS--28. NAYS--12. RULE 36--0.

YEAS--Barker, Blevins, Cuccinelli, Deeds, Edwards, Hanger, Herring, Houck, Hurt, Martin, McDougle, Newman, Norment, Northam, Obenshain, Petersen, Puckett, Quayle, Reynolds, Ruff, Smith, Stolle, Stosch, Stuart, Vogel, Wagner, Wampler, Watkins--28.

NAYS--Colgan, Howell, Locke, Lucas, Marsh, McEachin, Miller, J.C., Miller, Y.B., Puller, Saslaw, Ticer, Whipple--12.

RULE 36--0.

## RECONSIDERATION

Senator Locke moved to reconsider the vote by which **S.B. 877** (eight hundred seventy-seven) was passed in the enrolled form, notwithstanding the objections of the Governor.

The motion was agreed to.

The recorded vote is as follows:

YEAS--40. NAYS--0. RULE 36--0.

YEAS--Barker, Blevins, Colgan, Cuccinelli, Deeds, Edwards, Hanger, Herring, Houck, Howell, Hurt, Locke, Lucas, Marsh, Martin, McDougle, McEachin, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Obenshain, Petersen, Puckett, Puller, Quayle, Reynolds, Ruff, Saslaw, Smith, Stolle, Stosch, Stuart, Ticer, Vogel, Wagner, Wampler, Watkins, Whipple--40.

NAYS--0.

RULE 36--0.

**S.B. 877**, on motion of Senator Martin, was passed in the enrolled form, notwithstanding the objections of the Governor.

The recorded vote is as follows:

YEAS--30. NAYS--10. RULE 36--0.

YEAS--Barker, Blevins, Colgan, Cuccinelli, Deeds, Edwards, Hanger, Herring, Houck, Hurt, Martin, McDougle, Miller, J.C., Newman, Norment, Northam, Obenshain, Petersen, Puckett, Quayle, Reynolds, Ruff, Smith, Stolle, Stosch, Stuart, Vogel, Wagner, Wampler, Watkins--30.

NAYS--Howell, Locke, Lucas, Marsh, McEachin, Miller, Y.B., Puller, Saslaw, Ticer, Whipple--10.

RULE 36--0.

## HOUSE COMMUNICATIONS

The following communications were received:

In the House of Delegates

April 8, 2009

THE HOUSE OF DELEGATES HAS AMENDED IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE GOVERNOR THE FOLLOWING HOUSE BILLS:

**H.B. 1680.** An Act to amend and reenact § 15.2-2307 of the Code of Virginia, relating to vested rights.

**H.B. 1687.** An Act to amend and reenact §§ 46.2-1530 and 46.2-1542 of the Code of Virginia, relating to motor vehicle buyer's orders; temporary vehicle registration.

**H.B. 1709.** An Act to amend and reenact § 6.1-330.78 of the Code of Virginia, relating to a prohibition on certain lenders extending credit under open-end credit plans.

**H.B. 1782.** An Act to amend and reenact § 22.1-205 of the Code of Virginia, relating to the public school standardized driver education program.

**H.B. 1788.** An Act to amend and reenact § 15.2-2157 of the Code of Virginia, as it shall become effective, relating to regulation of septic systems.

**H.B. 1830.** An Act to amend and reenact §§ 58.1-520 and 58.1-530 of the Code of Virginia, relating to Setoff Debt Collection Act.

**H.B. 1885.** An Act to amend and reenact § 56-235.5 of the Code of Virginia, relating to telephone regulatory alternatives.

**H.B. 1889.** An Act to amend and reenact § 60.2-602 of the Code of Virginia, relating to unemployment compensation; weekly benefit amounts.

**H.B. 1899.** An Act to amend and reenact § 8.01-343 of the Code of Virginia, relating to appointment of jury commissioners.

THE HOUSE OF DELEGATES HAS AGREED TO AMENDMENTS NOS. 1 THROUGH 3 IN ACCORDANCE WITH THE RECOMMENDATION OF THE GOVERNOR AND HAS REJECTED AMENDMENT NO. 4 OF THE FOLLOWING HOUSE BILL:

**H.B. 1580.** An Act to amend and reenact §§ 33.1-23.03, 58.1-811, 58.1-2403, 58.1-2425, and 58.1-3221.3 of the Code of Virginia, to amend and reenact the fifth and sixteenth enactments of Chapter 896 of the Acts of Assembly of 2007, and to repeal Chapter 10.2 (§§ 33.1-391.6 through 33.1-391.15) of Title 33.1 and §§ 46.2-755.1, 46.2-755.2, 46.2-1167.1, 58.1-625.1, 58.1-802.1, 58.1-1724.3, 58.1-1724.5, 58.1-1724.6, 58.1-1724.7, and 58.1-2402.1 of the Code of Virginia and the sixth, fourteenth, fifteenth, and nineteenth enactments of Chapter 896 of the Acts of Assembly of 2007, relating to the Hampton Roads Transportation Authority and taxes, fees, and charges dedicated to financing its operation and programs.

THE HOUSE OF DELEGATES HAS AGREED TO AMENDMENT NO. 4 IN ACCORDANCE WITH THE RECOMMENDATION OF THE GOVERNOR AND HAS REJECTED AMENDMENTS NOS. 1 THROUGH 3 OF THE FOLLOWING HOUSE BILL:

**H.B. 1878.** An Act to amend and reenact §§ 24.2-101, 24.2-115, 24.2-115.1, 24.2-404, 24.2-418, 24.2-604, and 24.2-1004 of the Code of Virginia, relating to elections; clarifications and revisions to registration and election processes; penalties.

IN WHICH ACTION IT REQUESTS THE CONCURRENCE OF THE SENATE.

/s/ Bruce F. Jamerson  
Clerk, House of Delegates

In the House of Delegates  
April 8, 2009

THE HOUSE OF DELEGATES HAS AMENDED IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE GOVERNOR THE FOLLOWING HOUSE BILLS:

**H.B. 1941.** An Act to amend and reenact § 2.2-2822 of the Code of Virginia, relating to patent and copyright policies of the Commonwealth.

**H.B. 1945.** An Act to amend and reenact § 22.1-209.1:2 of the Code of Virginia, relating to regional alternative education programs.



**H.B. 1946.** An Act to amend and reenact §§ 17.1-279, 17.1-293, and 17.1-502 of the Code of Virginia, relating to statewide case and financial management systems; interface with circuit courts.

**H.B. 1970.** An Act to amend and reenact § 56-265.1 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 56-265.4:6, relating to the delivery of propane service by an underground distribution system.

**H.B. 2008.** An Act to amend and reenact §§ 46.2-908.1 and 46.2-914 of the Code of Virginia, relating to operation of electric personal assistive mobility devices, electrically powered toy vehicles, electric power-assisted bicycles and mopeds.

**H.B. 2024.** An Act to amend and reenact §§ 32.1-102.4 and 38.2-4214 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 38.2-3406.1 and 38.2-3406.2, relating to increasing the availability of basic health insurance coverage in the Commonwealth.

**H.B. 2037.** An Act to amend and reenact §§ 2.2-518, 2.2-4023, 2.2-4801, 2.2-4805, 2.2-4806, 8.01-220.2, 8.01-382, and 17.1-276 of the Code of Virginia, relating to collection of debt owed the Commonwealth.

**H.B. 2056.** An Act to amend the Code of Virginia by adding in Title 59.1 a chapter numbered 22.6, consisting of a section numbered 59.1-284.23, relating to an advanced shipbuilding training facility grant program.

**H.B. 2096.** An Act to amend the Code of Virginia by adding a section numbered 15.2-958.3, relating to waiver of certain fees; affordable housing.

**H.B. 2098.** An Act to amend and reenact § 58.1-3230 of the Code of Virginia, relating to real property tax; land use assessment.

THE HOUSE OF DELEGATES HAS AGREED TO AMENDMENT NO. 2 IN ACCORDANCE WITH THE RECOMMENDATION OF THE GOVERNOR AND HAS REJECTED AMENDMENT NO. 1 OF THE FOLLOWING HOUSE BILL:

**H.B. 1919.** An Act to amend and reenact § 53.1-131.3 of the Code of Virginia, relating to payment of costs associated with prisoner keep.

IN WHICH ACTION IT REQUESTS THE CONCURRENCE OF THE SENATE.

/s/ Bruce F. Jamerson  
Clerk, House of Delegates

In the House of Delegates  
April 8, 2009

THE HOUSE OF DELEGATES HAS AMENDED IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE GOVERNOR THE FOLLOWING HOUSE BILLS:

**H.B. 2099.** An Act to create the George Washington Toll Road Authority and to prescribe its powers and duties.

**H.B. 2112.** An Act to amend and reenact §§ 22.1-209.1:2, 22.1-225, and 22.1-253.13:1 of the Code of Virginia, relating to financial literacy education.

**H.B. 2150.** An Act to amend the Code of Virginia by adding in Article 5 of Chapter 9 of Title 15.2 a section numbered 15.2-977, relating to notice of sale under deed of trust.

**H.B. 2155.** An Act to amend and reenact § 56-594 of the Code of Virginia, relating to electric utility service; net energy metering.

**H.B. 2159.** An Act to amend and reenact §§ 63.2-1201, 63.2-1202, 63.2-1203, 63.2-1204, 63.2-1209, 63.2-1212, 63.2-1221, 63.2-1222, 63.2-1225, 63.2-1230, 63.2-1233, and 63.2-1250 of the Code of Virginia, relating to adoption of a child.

**H.B. 2169.** An Act to amend and reenact §§ 2.2-4024, 46.2-2800, 46.2-2801, 46.2-2805, 46.2-2806, 46.2-2809, 46.2-2814, 46.2-2816, 46.2-2821, 46.2-2825, and 46.2-2827 of the Code of Virginia, to amend the Code of Virginia by adding sections numbered 46.2-2825.1 through 46.2-2825.4, and to repeal §§ 46.2-2810, 46.2-2818, and 46.2-2824 of the Code of Virginia, relating to the Board of Towing and Recovery Operators.

**H.B. 2172.** An Act to amend and reenact §§ 56-15, 56-17, and 56-259 of the Code of Virginia and to amend the Code of Virginia by adding in Title 67 a chapter numbered 11, consisting of sections numbered 67-1100 through 67-1110, relating to the location of facilities for the distribution of electricity and steam generated from renewable energy sources and of landfill gas.

**H.B. 2175.** An Act to amend and reenact §§ 56-46.1 and 56-580 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 11.1 of Title 10.1 an article numbered 5, consisting of sections numbered 10.1-1197.5 through 10.1-1197.11, relating to permits for certain renewable energy projects; penalty.

**H.B. 2197.** An Act to amend and reenact § 24.2-649 of the Code of Virginia, relating to elections; assistance for certain voters.

**H.B. 2201.** An Act to amend and reenact §§ 2.2-225, 2.2-225.1, 2.2-2218 through 2.2-2221, 2.2-2233.1, 2.2-3705.6, 2.2-3711, and 23-4.4 of the Code of Virginia and to repeal §§ 2.2-2513 through 2.2-2517 of the Code of Virginia, relating to oversight of research and development in the Commonwealth.

**H.B. 2258.** An Act to amend the Code of Virginia by adding in Article 3 of Chapter 28 of Title 54.1 a section numbered 54.1-2818.4, relating to exemption from liability for routine organ and tissue donation; funeral homes.

IN WHICH ACTION IT REQUESTS THE CONCURRENCE OF THE SENATE.

/s/ Bruce F. Jamerson  
Clerk, House of Delegates

In the House of Delegates  
April 8, 2009

THE HOUSE OF DELEGATES HAS AMENDED IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE GOVERNOR THE FOLLOWING HOUSE BILLS:

**H.B. 2285.** An Act to amend and reenact § 30-133 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 2.2-1115.1, relating to duties of the Auditor of Public Accounts; budget transparency provisions.

- H.B. 2300.** An Act to amend and reenact §§ 2.2-212, 2.2-213, 2.2-214, 2.2-223, 2.2-507, 2.2-704, 2.2-705, 2.2-1839, 2.2-2001.1, 2.2-2411, 2.2-2648, 2.2-2664, 2.2-2691, 2.2-2692, 2.2-2694, 2.2-2696, 2.2-2818, 2.2-2905, 2.2-3705.5, 2.2-4344, 2.2-5201, 2.2-5206, 2.2-5300, 4.1-305, 9.1-111, 9.1-901, 15.2-2291, 15.2-5386, 16.1-275, 16.1-278.8, 16.1-278.8:01, 16.1-280, 16.1-293.1, 16.1-336, 16.1-345, 16.1-356, 16.1-357, 16.1-361, 18.2-73, 18.2-74, 18.2-251, 18.2-251.01, 18.2-252, 18.2-254, 18.2-254.1, 18.2-258.1, 18.2-271.2, 18.2-308.1:1, 18.2-308.2:2, 19.2-169.1, 19.2-169.2, 19.2-169.3, 19.2-169.5, 19.2-175, 19.2-182.2, 19.2-182.13, 19.2-182.16, 19.2-264.3:1, 19.2-264.3:1.1, 19.2-264.3:1.2, 19.2-301, 19.2-302, 19.2-389, 19.2-390, as it is currently effective and as it shall become effective, 20-88, 22.1-7, 22.1-205, 22.1-209.2, 22.1-214.2, 22.1-214.3, 22.1-215, 22.1-217.1, 22.1-272.1, 23-38.2, 25.1-100, 29.1-313, 32.1-45.1, 32.1-64.1, 32.1-73.7, 32.1-102.1, 32.1-122.5, 32.1-124, 32.1-125.1, 32.1-127.1:03, 32.1-127.1:04, 32.1-135.2, 32.1-276.3, 32.1-276.8, 32.1-283, 32.1-283.1, 32.1-283.5, 32.1-325, 32.1-351.2, 37.2-100, 37.2-200, 37.2-300, 37.2-316, 37.2-317, 37.2-318, 37.2-319, 37.2-423, 37.2-716, 37.2-900, 37.2-900.1, 37.2-909, 37.2-912, 37.2-919, 37.2-1101, 38.2-3412.1, 38.2-3418.5, 46.2-400, 46.2-401, 46.2-1229, 51.5-1, 51.5-2, 51.5-14, 51.5-14.1, 51.5-31, 51.5-39.2, 51.5-39.7, 51.5-39.12, 53.1-32, 53.1-40.2, 53.1-136, 53.1-145, 54.1-2715, 54.1-2726, 54.1-2970, 54.1-2987.1, 54.1-3408, 54.1-3408.01, 54.1-3437.1, 54.1-3506, 56-484.19, 57-2.02, 57-60, 63.2-100, 63.2-1503, 63.2-1528, 63.2-1709, 63.2-1726, 63.2-1735, and 63.2-1805 of the Code of Virginia, relating to changing the name of the Department, Board, Inspector General, and Commissioner of Mental Health, Mental Retardation and Substance Abuse Services.
- H.B. 2311.** An Act to amend and reenact § 17.1-281 of the Code of Virginia, relating to assessment for courthouse construction, renovation, or maintenance.
- H.B. 2366.** An Act to amend and reenact §§ 16, 18, and 19, as severally amended, of Chapter 69 of the Acts of Assembly of 1922, which provided a charter for the Town of Strasburg, relating to council and town officers.
- H.B. 2371.** An Act to direct the State Corporation Commission to conduct a proceeding relating to pilot programs under which certain customers that generate renewable energy may purchase electric power from, and sell electric power to, participating utilities.
- H.B. 2400.** An Act to require a coordinated, multidisciplinary response to criminal sexual assault.
- H.B. 2423.** An Act to amend the Code of Virginia by adding in Chapter 26 of Title 2.2 an article numbered 34, consisting of sections numbered 2.2-2699.3 and 2.2-2699.4, relating to the Broadband Advisory Council.
- H.B. 2432.** An Act to amend and reenact §§ 54.1-500, 54.1-500.1, 54.1-501, 54.1-503, 54.1-512, 54.1-516, and 54.1-517 of the Code of Virginia, relating to the Department of Professional and Occupational Regulation; Board for Asbestos, Lead, and Home Inspectors; regulation of lead renovation, repair, and painting.
- H.B. 2433.** An Act to amend and reenact § 2 of Chapter 471 of the Acts of Assembly of 1964, as amended by Chapter 87 of the Acts of Assembly of 2002 and Chapter 658 of the Acts of Assembly of 2008, relating to Eastern Virginia Medical School.

THE HOUSE OF DELEGATES HAS REFUSED TO AMEND IN ACCORDANCE WITH THE RECOMMENDATION OF THE GOVERNOR THE FOLLOWING HOUSE BILLS:

- H.B. 2417.** An Act to amend and reenact § 67-701 of the Code of Virginia, relating to covenants regarding solar power.

**H.B. 2426.** An Act to amend and reenact §§ 2.2-3800, 2.2-3801, as it is currently effective and as it shall become effective, and 2.2-3808, as it is currently effective and as it shall become effective, of the Code of Virginia and to amend and reenact the second and fourth enactments of Chapters 840 and 843 of the Acts of Assembly of 2008, relating to the Government Data Collection and Dissemination Practices Act; collection of social security numbers.

IN WHICH ACTION IT REQUESTS THE CONCURRENCE OF THE SENATE.

/s/ Bruce F. Jamerson  
Clerk, House of Delegates

In the House of Delegates  
April 8, 2009

THE HOUSE OF DELEGATES HAS AMENDED IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE GOVERNOR THE FOLLOWING HOUSE BILLS:

**H.B. 2437.** An Act to amend and reenact § 58.1-408 of the Code of Virginia and to amend the Code of Virginia by adding in Article 10 of Chapter 3 of Title 58.1 a section numbered 58.1-422, relating to corporate income tax; apportionment of income for manufacturers.

**H.B. 2479.** An Act to amend and reenact § 58.1-3221.3 of the Code of Virginia, relating to real property tax rate; commercial property in Northern Virginia.

**H.B. 2491.** An Act to amend and reenact § 2.01, as amended, § 2.02, § 3.01, as amended, § 3.02, §§ 3.03, 3.05, and 3.06, as severally amended, §§ 3.07, 4.02, and 4.03, §§ 5.02 and 5.03, as severally amended, §§ 5.04 and 9.01, § 14.01, as amended, and §§ 15.01, 15.02, 16.01, 17.01, 17.02, 17.03, 18.01, 20.01, 20.02, 21.01, 21.03 through 21.07, 21.13, and 21.14 of Chapter 562 of the Acts of Assembly of 1954, which provided a charter for the City of Galax, and to repeal §§ 6.01 through 6.10, 8.01, 10.01, 13.01, 15.03, and 21.11 of Chapter 562 of the Acts of Assembly of 1954, relating to city powers.

**H.B. 2517.** An Act to amend and reenact § 22.1-253.13:3 of the Code of Virginia, relating to industry certification and state licensure examinations.

**H.B. 2539.** An Act to amend and reenact §§ 2.2-2005, 2.2-2457, and 2.2-2458 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 20.1 of Title 2.2 an article numbered 7, consisting of sections 2.2-2033 and 2.2-2034, relating to oversight of information technology and applications in the Commonwealth; Information Technology Investment Board; Chief Information Officer.

**H.B. 2549.** An Act to amend and reenact §§ 2.2-3705.7, 2.2-3711, 23-9.2:3.03, 23-38.76, 23-38.77, 23-38.79, 23-38.80, 23-38.87, and 23-38.88 of the Code of Virginia, and to amend the Code of Virginia by adding a section numbered 23-38.79:1, and by adding in Chapter 4.9 of Title 23 a section numbered 23-38.87:1, relating to the Virginia College Savings Plan.

**H.B. 2596.** An Act to amend and reenact § 3 of Chapter 2 of the Acts of Assembly of 1966, as amended by Chapter 21 of the Acts of Assembly, Extra Session, of 1969, Chapter 590 of the Acts of Assembly of 1970, Chapter 571 of the Acts of Assembly of 1972, Chapter 508 of the Acts of Assembly of 1973, Chapter 576 of the Acts of Assembly of 1974, Chapter 592 of the Acts of

Assembly of 1977, Chapter 378 of the Acts of Assembly of 1981, Chapter 610 of the Acts of Assembly of 1984, Chapter 112 of the Acts of Assembly of 1987, Chapter 150 of the Acts of Assembly of 1995, and Chapter 736 of the Acts of Assembly of 1997, relating to the Washington Metropolitan Area Transit Authority; finance and governance.

**H.B. 2646.** An Act to amend and reenact §§ 32.1-163 and 32.1-166.6 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 32.1-164.1:2, relating to the establishment of a betterment loan program.

THE HOUSE OF DELEGATES HAS REFUSED TO AMEND IN ACCORDANCE WITH THE RECOMMENDATION OF THE GOVERNOR THE FOLLOWING HOUSE BILLS:

**H.B. 2465.** An Act to amend and reenact §§ 24.2-235 and 24.2-238 of the Code of Virginia, relating to removal of public officials; procedures; costs.

**H.B. 2672.** An Act to amend and reenact §§ 2.2-1400 through 2.2-1404.1, 2.2-3705.6, 2.2-4310, 15.2-965.1, and 18.2-213.1 of the Code of Virginia, relating to the Department of Minority Business Enterprise.

IN WHICH ACTION IT REQUESTS THE CONCURRENCE OF THE SENATE.

/s/ Bruce F. Jamerson  
Clerk, House of Delegates

In the House of Delegates  
April 8, 2009

THE HOUSE OF DELEGATES HAS PASSED NOTWITHSTANDING THE OBJECTION OF THE GOVERNOR THE FOLLOWING HOUSE BILLS:

**H.B. 1851.** An Act to amend and reenact § 18.2-308.2:2 of the Code of Virginia, relating to purchase of firearms by members of the United States Armed Forces.

**H.B. 2358.** An Act to amend and reenact § 18.2-18 of the Code of Virginia, relating to redefinition of the “triggerman rule”; penalty.

**H.B. 2528.** An Act to amend the Code of Virginia by adding a section numbered 15.2-915.5, relating to disposition of firearms.

**H.B. 2638.** An Act to amend and reenact § 18.2-31 of the Code of Virginia, relating to capital murder; auxiliary law-enforcement officers and fire marshals; penalty.

THE HOUSE OF DELEGATES HAS SUSTAINED THE LINE-ITEM VETOES OF THE GOVERNOR ON THE FOLLOWING HOUSE BILL:

**H.B. 1600.** An Act to amend Chapter 879, Acts of Assembly of 2008, which appropriated funds for the 2008-10 Biennium, and to provide a portion of revenues for the two years ending, respectively, on the thirtieth day of June, 2009, and the thirtieth day of June, 2010, submitted by the Governor of Virginia to the presiding officer of each house of the General Assembly of Virginia in accordance with the provisions of § 2.2-1509, Code of Virginia.

IN WHICH ACTION IT REQUESTS THE CONCURRENCE OF THE SENATE.

/s/ Bruce F. Jamerson  
Clerk, House of Delegates

In the House of Delegates  
April 8, 2009

THE HOUSE OF DELEGATES HAS AMENDED IN ACCORDANCE WITH THE RECOMMENDATION OF THE GOVERNOR THE FOLLOWING HOUSE BILL:

**H.B. 2506.** An Act to amend and reenact §§ 56-576, 56-585.1, and 56-585.3 of the Code of Virginia, relating to base rates of return for certain types of electrical generation.

IN WHICH ACTION IT REQUESTS THE CONCURRENCE OF THE SENATE.

/s/ Bruce F. Jamerson  
Clerk, House of Delegates

On motion of Senator Saslaw, the Rules were suspended and the reading of the communications from the House of Delegates was waived.

The recorded vote is as follows:

YEAS--40. NAYS--0. RULE 36--0.

YEAS--Barker, Blevins, Colgan, Cuccinelli, Deeds, Edwards, Hanger, Herring, Houck, Howell, Hurt, Locke, Lucas, Marsh, Martin, McDougle, McEachin, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Obenshain, Petersen, Puckett, Puller, Quayle, Reynolds, Ruff, Saslaw, Smith, Stolle, Stosch, Stuart, Ticer, Vogel, Wagner, Wampler, Watkins, Whipple--40.

NAYS--0.

RULE 36--0.

#### HOUSE BILLS WITH GOVERNOR'S RECOMMENDATIONS

Senator Saslaw moved that the questions on amending in accordance with the recommendations of the Governor the House bills that follow be considered en bloc:

**H.B. 1680** (one thousand six hundred eighty) with recommendation.

**H.B. 1687** (one thousand six hundred eighty-seven) with recommendations.

**H.B. 1709** (one thousand seven hundred nine) with recommendation.

**H.B. 1830** (one thousand eight hundred thirty) with recommendation.

**H.B. 1878** (one thousand eight hundred seventy-eight) with recommendation No. 4.

**H.B. 1889** (one thousand eight hundred eighty-nine) with recommendations.

**H.B. 1899** (one thousand eight hundred ninety-nine) with recommendation.

**H.B. 1919** (one thousand nine hundred nineteen) with recommendation No. 2.

**H.B. 1941** (one thousand nine hundred forty-one) with recommendations.

**H.B. 1945** (one thousand nine hundred forty-five) with recommendation.

**H.B. 1946** (one thousand nine hundred forty-six) with recommendation.

**H.B. 1970** (one thousand nine hundred seventy) with recommendations.

**H.B. 2024** (two thousand twenty-four) with recommendation.

**H.B. 2037** (two thousand thirty-seven) with recommendation.

**H.B. 2056** (two thousand fifty-six) with recommendations.

**H.B. 2096** (two thousand ninety-six) with recommendation.

**H.B. 2098** (two thousand ninety-eight) with recommendations.

**H.B. 2099** (two thousand ninety-nine) with recommendation.  
**H.B. 2112** (two thousand one hundred twelve) with recommendation.  
**H.B. 2150** (two thousand one hundred fifty) with recommendation.  
**H.B. 2155** (two thousand one hundred fifty-five) with recommendation.  
**H.B. 2159** (two thousand one hundred fifty-nine) with recommendations.  
**H.B. 2172** (two thousand one hundred seventy-two) with recommendations.  
**H.B. 2175** (two thousand one hundred seventy-five) with recommendation.  
**H.B. 2197** (two thousand one hundred ninety-seven) with recommendation.  
**H.B. 2201** (two thousand two hundred one) with recommendations.  
**H.B. 2258** (two thousand two hundred fifty-eight) with recommendations.  
**H.B. 2285** (two thousand two hundred eighty-five) with recommendation.  
**H.B. 2300** (two thousand three hundred) with recommendation.  
**H.B. 2366** (two thousand three hundred sixty-six) with recommendations.  
**H.B. 2371** (two thousand three hundred seventy-one) with recommendations.  
**H.B. 2400** (two thousand four hundred) with recommendations.  
**H.B. 2423** (two thousand four hundred twenty-three) with recommendation.  
**H.B. 2433** (two thousand four hundred thirty-three) with recommendations.  
**H.B. 2437** (two thousand four hundred thirty-seven) with recommendation.  
**H.B. 2479** (two thousand four hundred seventy-nine) with recommendation.  
**H.B. 2491** (two thousand four hundred ninety-one) with recommendation.  
**H.B. 2517** (two thousand five hundred seventeen) with recommendation.  
**H.B. 2539** (two thousand five hundred thirty-nine) with recommendation.  
**H.B. 2549** (two thousand five hundred forty-nine) with recommendations.  
**H.B. 2596** (two thousand five hundred ninety-six) with recommendations.  
**H.B. 2646** (two thousand six hundred forty-six) with recommendations.

The motion was agreed to.

#### RECESS

At 7:05 p.m., Senator Saslaw moved that the Senate recess until 7:20 p.m.

The motion was agreed to.

The hour of 7:20 p.m. having arrived, the Chair was resumed.

**H.B. 1680** (one thousand six hundred eighty) was taken up together with the following communication from the Governor:

COMMONWEALTH OF VIRGINIA  
Office of the Governor

March 30, 2009

TO THE HOUSE OF DELEGATES:  
HOUSE BILL NO. 1680

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following amendment be made:

1. Line 61, enrolled, after *wildfire*.  
strike

the remainder of line 61 and through *property*. on line 62

insert

*For purposes of this section, owners of property damaged by an accidental fire have the same rights to rebuild such property as if it were damaged by an act of God.*

/s/ Timothy M. Kaine  
Governor

The reading of the communication was waived.

**H.B. 1687** (one thousand six hundred eighty-seven) was taken up together with the following communication from the Governor:

COMMONWEALTH OF VIRGINIA  
Office of the Governor

March 30, 2009

TO THE HOUSE OF DELEGATES:  
HOUSE BILL NO. 1687

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following amendments be made:

1. Line 32, enrolled, after 12.

insert

(A).

2. After line 41, enrolled

insert

*A dealer may provide the notice required by § 46.2-1530(a)(12)(B) with respect to vehicles purchased prior to July 1, 2010 instead of the notice required by this § 46.2-1530(a)(12)(A).*

*(B). If the dealer delivers to the customer a vehicle purchased by the customer on or after July 1, 2010 that is conditional on dealer-arranged financing, the following notice, printed in bold type no less than 10-point: "IF YOU ARE FINANCING THIS VEHICLE PLEASE READ THIS NOTICE YOU ARE PROPOSING TO ENTER INTO A RETAIL INSTALLMENT SALES CONTRACT WITH THE DEALER. PART OF YOUR CONTRACT INVOLVES FINANCING THE PURCHASE OF YOUR VEHICLE. IF YOU ARE FINANCING THIS VEHICLE AND THE DEALER INTENDS TO TRANSFER YOUR FINANCING TO A FINANCE PROVIDER SUCH AS A BANK, CREDIT UNION OR OTHER LENDER, YOUR VEHICLE PURCHASE DEPENDS ON THE FINANCE PROVIDER'S APPROVAL OF YOUR PROPOSED RETAIL INSTALLMENT SALES CONTRACT. IF YOUR RETAIL INSTALLMENT SALES CONTRACT IS APPROVED WITHOUT A CHANGE THAT INCREASES THE COST OR RISK TO YOU OR THE DEALER, YOUR PURCHASE CANNOT BE CANCELLED. IF YOUR RETAIL INSTALLMENT SALES CONTRACT IS NOT APPROVED THE DEALER WILL NOTIFY YOU VERBALLY OR IN WRITING YOU CAN THEN DECIDE TO PAY FOR THE VEHICLE IN SOME OTHER WAY OR YOU OR THE DEALER CAN CANCEL YOUR PURCHASE. IF THE SALE IS CANCELLED, YOU NEED TO RETURN THE VEHICLE TO THE DEALER*



*WITHIN 24 HOURS OF VERBAL OR WRITTEN NOTICE IN THE SAME CONDITION IT WAS GIVEN TO YOU, EXCEPT FOR NORMAL WEAR AND TEAR. ANY DOWN PAYMENT OR TRADE-IN YOU GAVE THE DEALER WILL BE RETURNED TO YOU. IF YOU DO NOT RETURN THE VEHICLE WITHIN 24 HOURS OF VERBAL OR WRITTEN NOTICE OF CANCELLATION, THE DEALER MAY LOCATE THE VEHICLE AND TAKE IT BACK WITHOUT FURTHER NOTICE TO YOU AS LONG AS THE DEALER FOLLOWS THE LAW AND DOES NOT CAUSE A BREACH OF THE PEACE WHEN TAKING THE VEHICLE BACK. IF THE DEALER DOES NOT RETURN YOUR DOWN PAYMENT AND ANY TRADE-IN WHEN THE DEALER GETS THE VEHICLE BACK IN THE SAME CONDITION IT WAS GIVEN TO YOU, EXCEPT FOR NORMAL WEAR AND TEAR, THE DEALER MAY BE LIABLE TO YOU UNDER THE VIRGINIA CONSUMER PROTECTION ACT."*

- 3. At the beginning of line 53, enrolled  
strike

All of lines 53 through 75

- 4. Line 102, enrolled, after *dealer*  
strike

, *seller,*

- 5. Line 108, enrolled, after *event*  
strike

the remainder of line 108 and all of lines 109 and 110

insert

*the dealer regains possession of the vehicle, in the same condition, normal wear and tear excepted, as delivered to the purchaser, the purchaser shall have the right to possession of any trade-in and return of any down payment, and if the dealer fails to return the trade-in and/or down payment the dealer may be held liable under § 59.1-200 of the Virginia Consumer Protection Act (§ 59.1-196), in addition to any other rights and remedies available by statute or contract.*

/s/ Timothy M. Kaine  
Governor

The reading of the communication was waived.

**H.B. 1709** (one thousand seven hundred nine) was taken up together with the following communication from the Governor:

COMMONWEALTH OF VIRGINIA  
Office of the Governor

March 30, 2009

TO THE HOUSE OF DELEGATES:  
HOUSE BILL NO. 1709

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following amendment be made:

1. After line 74, enrolled  
insert

3. That an emergency exists and this act is in force from its passage.

/s/ Timothy M. Kaine  
Governor

The reading of the communication was waived.

**H.B. 1830** (one thousand eight hundred thirty) was taken up together with the following communication from the Governor:

COMMONWEALTH OF VIRGINIA  
Office of the Governor

March 30, 2009

TO THE HOUSE OF DELEGATES:  
HOUSE BILL NO. 1830

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following amendment be made:

1. Line 45, enrolled, after *article*.  
insert

*Claims filed by counties, cities and towns for an offset of the federal income tax refund shall be limited to claims for delinquent local taxes.*

/s/ Timothy M. Kaine  
Governor

The reading of the communication was waived.

**H.B. 1878** (one thousand eight hundred seventy-eight) was taken up together with the following communication from the Governor:

COMMONWEALTH OF VIRGINIA  
Office of the Governor

March 30, 2009

TO THE VIRGINIA HOUSE OF DELEGATES:  
HOUSE BILL NO. 1878

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following amendments be made:

1. Line 208, enrolled, after *paragraph*.

insert

*In lieu of a current post office box address, a voter may execute a statement in a form prescribed by the State Board of Elections, affirming, subject to felony penalties for false statements under § 24.2-1016, that the voter is indigent and unable to afford a post office box through any available means, including the address confidentiality program.*

2. Line 215, enrolled, after *paragraph*.

insert

*In lieu of a current post office box address, a voter may execute a statement in a form prescribed by the State Board of Elections, affirming, subject to felony penalties for false statements under § 24.2-1016, that the voter is indigent and unable to afford a post office box through any available means, including the address confidentiality program.*

3. Line 223, enrolled, after *paragraph*.

insert

*In lieu of a current post office box address, a voter may execute a statement in a form prescribed by the State Board of Elections, affirming, subject to felony penalties for false statements under § 24.2-1016, that the voter is indigent and unable to afford a post office box through any available means, including the address confidentiality program.*

4. After line 320, enrolled

insert

3. That applications printed prior to the effective date of this act may be used until supplies are exhausted.

/s/ Timothy M. Kaine  
Governor

The reading of the communication was waived.

**H.B. 1889** (one thousand eight hundred eighty-nine) was taken up together with the following communication from the Governor:

COMMONWEALTH OF VIRGINIA  
Office of the Governor

March 30, 2009

TO: HOUSE OF DELEGATES  
HOUSE BILL NO. 1889

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following amendments be made:

1. Line 2, enrolled, Title, after *reenact*

strike

§ 60.2-602

insert

§§ 60.2-602, 60.2-610, and 60.2-611

2. Line 7, enrolled, after That  
strike

§ 60.2-602

insert

§§ 60.2-602, 60.2-610, and 60.2-611

3. Line 7, enrolled, after Virginia  
strike

is

insert

are

4. At the beginning of line 34, enrolled  
insert

§ 60.2-610. Extended benefits defined.

A. As used in this article, unless the context clearly requires otherwise, “extended benefit period” means a period which:

1. Begins with the third week following a week for which there is a state “on” indicator; and

2. Ends with either of the following weeks, whichever occurs later:

a. The third week after the first week for which there is a state “off” indicator; or

b. The thirteenth consecutive week of such period; however, no extended benefit period may begin by reason of a state “on” indicator before the fourteenth week following the end of a prior extended benefit period which was in effect with respect to this Commonwealth.

B. “Rate of insured unemployment,” for purposes of subsections H and I of this section, means the percentage derived by dividing:

1. The average weekly number of individuals filing claims for regular compensation in this Commonwealth for weeks of unemployment with respect to the most recent, thirteen consecutive week period, as determined by the Commission on the basis of its reports to the United States Secretary of Labor, by

2. The average monthly employment covered under this act for the first four of the most recent six completed calendar quarters ending before the end of such thirteen-week period.

C. “Regular benefits” means benefits, other than extended benefits, payable to an individual under this title or under any other state law, including benefits payable to federal civilian employees and to ex-servicemen pursuant to Chapter 85 (5 U.S.C. § 8501 et seq.) of Title 5 of the United States Code.

D. “Extended benefits” means benefits, including benefits payable to federal civilian employees and to ex-servicemen pursuant to Chapter 85 (5 U.S.C. § 8501 et seq.) of Title 5 of the United States Code, payable to an individual under the provisions of § 60.2-611 for weeks of unemployment in his eligibility period.

E. “Eligibility period” of an individual means the period consisting of the weeks in his benefit year which begin in an extended benefit period and, if his benefit year ends within such extended benefit period, any weeks thereafter which begin in such period.

F. 1. “Exhaustee” means an individual who, with respect to any week of unemployment in his eligibility period:

- a. Has received, prior to such week, all of the regular benefits that were available to him under this title or any other state law, including dependents' allowances and benefits payable to federal civilian employees and ex-servicemen under Chapter 85 (5 U.S.C. § 8501 et seq.) of Title 5 of the United States Code, in his current benefit year that includes such week;
- b. His benefit year having expired prior to such week, has no, or insufficient, wages or employment on the basis of which he could establish a new benefit year that would include such week; and
- c. (i) Has no right to unemployment benefits or allowances, under the Railroad Unemployment Insurance Act (45 U.S.C. § 351 et seq.), the Automotive Products Trade Act of 1965 (19 U.S.C. § 2001 et seq.) and such other federal laws as are specified in regulations issued by the United States Secretary of Labor, and (ii) has not received and is not seeking unemployment benefits under the unemployment compensation law of Canada. However, if he is seeking such benefits and the appropriate agency finally determines that he is not entitled to benefits under such law he is considered an exhaustee.

2. For the purposes of subdivision 1 a of this subsection, an individual shall be deemed to have received all of the regular benefits that were available to him although (i) as a result of a pending appeal with respect to wages or employment that were not considered in the original monetary determination in his benefit year, he may subsequently be determined to be entitled to added regular benefits, or (ii) he may be entitled to regular benefits with respect to future weeks of unemployment.

G. "State law" means the unemployment insurance law of any state, approved by the United States Secretary of Labor under 26 U.S.C. § 3304.

H. There is a "state 'on' indicator" for this Commonwealth for a week if ~~the~~:

*1. The Commission determines, in accordance with the regulations of the United States Secretary of Labor, that for the period consisting of such week and the immediately preceding ~~twelve~~ 12 weeks, the rate of insured unemployment, not seasonally adjusted, under this title:*

*± a. Equaled or exceeded 120 percent of the average of such rates for the corresponding thirteen-week period ending in each of the preceding two calendar years, and*

*~~2-a~~ b. Equaled or exceeded five percent, provided that the determination of whether there has been a state trigger "on" indicator shall be made as if this subsection did not contain subdivision 1 a, if the rate of insured unemployment as defined in this subsection equaled or exceeded six percent, ~~and~~*

*~~b-Except~~ except that any week for which there would otherwise be a state "on" indicator shall continue to be such a week and shall not be determined to be a week for which there is a state "off" indicator; ~~or~~*

*2. With respect to weeks of unemployment beginning on or after February 1, 2009, and thereafter until the week ending three weeks prior to the last week for which federal sharing is authorized by Section 2005(a) of Public Law 111-5, the United States Secretary of Labor determines that, for the period consisting of the most recent three months for which data for all states are published before the close of such week, the average rate of total unemployment in this Commonwealth, seasonally adjusted:*

*a. Equaled or exceeded 110 percent of the average of such rates for either or both of the corresponding three month periods ending in the two preceding calendar years, and*

*b. Equaled or exceeded a six and one half percent.*

I. There is a “state ‘off’ indicator” for this Commonwealth for a week if the Commission determines, in accordance with the regulations of the United States Secretary of Labor, that for the period consisting of such week and the immediately preceding twelve weeks the requirements of subsection H of this section have not been satisfied.

§ 60.2-611. Receipt of extended benefits.

A. Except when the result would be inconsistent with the other provisions of this section, as provided in the regulations of the Commission, the provisions of this title which apply to claims for, or the payment of, regular benefits shall apply to claims for, and the payment of, extended benefits.

B. An individual shall be eligible to receive extended benefits with respect to any week of unemployment in his eligibility period only if the Commission finds that for such week:

1. He is an “exhaustee” as defined in subsection F of § 60.2-610-;

2. He has satisfied the requirements of this title for the receipt of regular benefits that are applicable to individuals claiming extended benefits, including not being subject to a disqualification for the receipt of benefits; *and*

3. *He had during his base period 20 weeks of full-time insured employment, or the equivalent in insured wages. For purposes of this subdivision, “or the equivalent in insured wages” means more than 40 times the individual’s most recent weekly benefit amount.*

C. The weekly extended benefit amount payable to an individual for a week of total unemployment in his eligibility period shall equal the weekly benefit amount payable to him during his applicable benefit year.

D. The total extended benefit amount payable to any eligible individual for his applicable benefit year shall be the least of the following amounts:

1. Fifty percent of the total amount of regular benefits which were payable to him under this title in his applicable benefit year;

2. Thirteen times his weekly benefit amount which was payable to him under this title for a week of total unemployment in the applicable benefit year; or

3. Thirty-nine times his weekly benefit amount which was payable to him under this title for a week of total unemployment in the applicable benefit year, reduced by the total amount of regular benefits which were paid or deemed paid to him under this title for the benefit year.

E. 1. Whenever an extended benefit period is to become effective in this Commonwealth as a result of a state “on” indicator, or an extended benefit period is to be terminated in this Commonwealth as a result of state “off” indicators, the Commission shall make an appropriate public announcement.

2. Computations required by the provisions of subsection B of § 60.2-610 shall be made by the Commission, in accordance with regulations prescribed by the United States Secretary of Labor.

3. An “on” or “off” indicator for this Commonwealth shall be determined without regard to subdivision 1 of subsection H of § 60.2-610 for any period that waiver of such provisions is authorized under § 203 (d) of the Federal-State Extended Unemployment Compensation Act (26 U.S.C. § 3304) and any amendments thereto, or as authorized by any provision of federal law.

F. 1. Notwithstanding the provisions of subsection A of this section, an individual shall be ineligible for payment of extended benefits for any week of unemployment in his eligibility period if the Commission finds that during such period:

- a. He failed to accept any offer of suitable work or failed to apply for any suitable work, as defined under subdivision 3 of this subsection, to which he was referred by the Commission; or
  - b. He failed to actively engage in seeking work as prescribed under subdivision 5 of this subsection.
2. Any individual who has been found ineligible for extended benefits by reason of the provisions in subdivision 1 of this subsection shall also be denied benefits beginning with the first day of the week following the week in which such failure occurred and until he has been employed in each of four subsequent weeks, whether or not consecutive, and has earned remuneration equal to not less than four times the extended weekly benefit amount.
3. a. For purposes of this subsection, "suitable work" means, with respect to any individual, any work which is within the individual's capabilities and for which the gross average weekly remuneration payable for the work exceeds the sum of:
- (1) The individual's average weekly benefit amount as determined under subsection C of this section, plus
  - (2) Any amount of supplemental unemployment benefits, as defined in § 501 (c) (17) (D) of the Internal Revenue Code, payable to the individual for such week.
- b. Such gross average weekly remuneration shall pay wages equal to the higher of:
- (1) The minimum wages provided by § 6 (a) (1) of the Fair Labor Standards Act (29 U.S.C. § 201 et seq.), without regard to any exemption; or
  - (2) The state or local minimum wage.
- c. No individual, however, shall be denied extended benefits for failure to accept an offer or referral to any job which meets the definition of suitable work as described in subdivision 3a of this subsection if:
- (1) The position was not offered to such individual in writing or was not listed with the Job Service;
  - (2) Such failure could not result in a denial of benefits under the definition of suitable work for regular benefit claimants in subdivision 3 of § 60.2-618 to the extent that the criteria of suitability in that section are not inconsistent with the provisions of this subdivision; or
  - (3) The individual furnishes satisfactory evidence to the Commission that his prospects for obtaining work in his customary occupation within a reasonably short period are good. If the evidence is deemed satisfactory for this purpose, the determination of whether any work is suitable with respect to such individual shall be made in accordance with the definition of suitable work in subdivision 3 of § 60.2-618 without regard to the definition specified by this subdivision.
4. Notwithstanding the provisions of this subsection, no work shall be deemed to be suitable work for an individual which does not accord with the labor standard provisions required by § 3304 (a) 5 of the Internal Revenue Code and set forth under subdivision 3 of § 60.2-618.
5. For the purposes of subdivision 1 b of this subsection, an individual shall be treated as actively engaged in seeking work during any week if:
- a. The individual has engaged in a systematic and sustained effort to obtain work during such week, and
  - b. The individual furnishes tangible evidence that he has engaged in such effort during such week.
6. The Job Service shall refer any claimant entitled to extended benefits under this title to any suitable work which meets the criteria prescribed in subdivision 3 of this subsection.

7. Notwithstanding any other provisions of this chapter, if the benefit year of any individual ends within an extended benefit period, the remaining balance of extended benefits that such individual would, but for this section, be entitled to receive in that extended benefit period, for weeks of unemployment beginning after the end of the benefit year, shall be reduced, but not below zero, by the product of the number of weeks for which the individual received any amounts as trade readjustment allowances within that benefit year, multiplied by the individual's weekly benefit amount for extended benefits.

8. No claim for extended benefits shall be subject to subdivisions 1, 2, 3 or 6 of this subsection for weeks of unemployment beginning after March 6, 1993, and before January 1, 1995. If the Federal-State Extended Unemployment Compensation Act of 1970 is at any time amended to preclude enforcement of any provision of this section, such provision shall not apply to any claim for weeks beginning on the date said amendment becomes effective.

G. 1. Except as provided in subdivision 2 of this subsection, an individual shall not be eligible for extended benefits for any week if:

a. Extended benefits are payable for such week pursuant to an interstate claim filed in any state under the interstate benefit plan, and

b. No extended benefit period is in effect for such week in such state.

2. Subdivision 1 of this subsection shall not apply to the first two weeks for which extended benefits are payable, determined without regard to this subsection, pursuant to an interstate claim filed under the interstate benefit payment plan to the individual from the extended benefit account established for the individual with respect to the benefit year.

*H. Effective with respect to weeks beginning in a high unemployment period, subsection D shall be applied by substituting (i) "eighty percent" for "fifty percent" in subdivision D 1; (ii) "twenty" for "thirteen" in subdivision D 2; and (iii) "forty-six" for "thirty-nine" in subdivision D 3. As used in this subsection, "high unemployment period" means any period during which an extended benefit period would be in effect if subdivision H 2 b of § 60.2-610 were applied by substituting "eight percent" for "six and one-half percent."*

5. After line 37, enrolled  
insert

3. That the provisions of this act that amend and reenact §§ 60.2-610 and 60.2-611 of the Code of Virginia shall expire three weeks prior to the last week for which federal sharing is authorized by Section 2005(a) of Public Law 111-5.

/s/ Timothy M. Kaine  
Governor

The reading of the communication was waived.

**H.B. 1899** (one thousand eight hundred ninety-nine) was taken up together with the following communication from the Governor:

COMMONWEALTH OF VIRGINIA  
Office of the Governor

March 30, 2009



TO THE HOUSE OF DELEGATES:  
HOUSE BILL NO. 1899

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following amendment be made:

1. Line 13, enrolled, after *court*  
strike  
*with the urban county*  
insert  
*of a county having the urban county executive*

/s/ Timothy M. Kaine  
Governor

The reading of the communication was waived.

**H.B. 1919** (one thousand nine hundred nineteen) was taken up together with the following communication from the Governor:

COMMONWEALTH OF VIRGINIA  
Office of the Governor

March 30, 2009

TO THE HOUSE OF DELEGATES:  
HOUSE BILL NO. 1919

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following amendments be made:

1. Line 10, enrolled, after exceed ~~\$4~~  
strike  
\$5  
insert  
\$3

2. Line 15, enrolled, after *the fee.*  
insert

*Any person jailed for an offense they are later acquitted for shall be refunded any such fees paid during their incarceration.*

/s/ Timothy M. Kaine  
Governor

The reading of the communication was waived.

**H.B. 1941** (one thousand nine hundred forty-one) was taken up together with the following communication from the Governor:

COMMONWEALTH OF VIRGINIA  
Office of the Governor

March 30, 2009

TO THE VIRGINIA HOUSE OF DELEGATES:  
HOUSE BILL NO. 1941

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following amendments be made:

1. Line 24, enrolled, after *agencies*  
insert  
*to determine whether*
  
2. Line 25, enrolled, after *hours*  
strike  
. [the period]  
insert  
*, as well as to determine the terms of such license or transfer.*
  
3. Line 26, enrolled, after *agencies*  
insert  
*to determine whether*
  
4. Line 27, enrolled, after *agency*  
strike  
. [the period]  
insert  
*, as well as to determine the terms of such license or transfer.*

/s/ Timothy M. Kaine  
Governor

The reading of the communication was waived.

**H.B. 1945** (one thousand nine hundred forty-five) was taken up together with the following communication from the Governor:

COMMONWEALTH OF VIRGINIA  
Office of the Governor

March 30, 2009

TO THE HOUSE OF DELEGATES:  
HOUSE BILL NO. 1945

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following amendment be made:

1. Line 24, enrolled, after *petition*,

strike

*as established by regulations promulgated pursuant to this section,*

insert

*in accordance with regulations of the school board,*

/s/ Timothy M. Kaine  
Governor

The reading of the communication was waived.

**H.B. 1946** (one thousand nine hundred forty-six) was taken up together with the following communication from the Governor:

COMMONWEALTH OF VIRGINIA  
Office of the Governor

March 30, 2009

TO THE VIRGINIA HOUSE OF DELEGATES:  
HOUSE BILL NO. 1946

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following Amendment in the Nature of a Substitute be accepted.

/s/ Timothy M. Kaine  
Governor

AMENDMENT IN THE NATURE OF A SUBSTITUTE FOR HOUSE BILL NO. 1946

[The substitute having been printed separately, the title only is recorded as follows:]

A BILL to amend and reenact §§ 17.1-279 and 17.1-502 of the Code of Virginia, relating to case and financial management systems; interface with circuit courts.

The reading of the communication was waived.

**H.B. 1970** (one thousand nine hundred seventy) was taken up together with the following communication from the Governor:

COMMONWEALTH OF VIRGINIA  
Office of the Governor

March 30, 2009

TO THE HOUSE OF DELEGATES:  
HOUSE BILL NO. 1970

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following amendments be made:

1. After line 112, enrolled  
insert

*“Municipally-owned gas service” means the sale and distribution of natural gas by a municipal corporation that has the authority to provide natural gas distribution service through the provisions of its charter.*

2. Line 126, enrolled, after *entity*  
strike

*and the Commonwealth or any municipality*

3. After line 199, enrolled  
insert

*G. Any municipal corporation that provides municipally-owned gas service to residential or commercial customers located within an area where a natural gas utility holds a certificate to provide service, must have written authorization from that certificate holder to provide such service which authorization shall not be unreasonably withheld. The written authorization shall define the geographic area to be served by the municipally-owned gas service provider. If authorization is withheld, the natural gas utility shall provide a written justification for the decision to the municipally-owned gas service provider. Any decision to withhold authorization shall be subject to review by the Commission upon petition by a customer seeking natural gas service. Any natural gas utility that provides written permission to a municipal corporation to provide municipally-owned gas service within a territory where it holds a certificate shall provide a written copy of the authorization to the Commission.*

*Notwithstanding the foregoing, a municipally-owned gas service provider shall not be required to obtain consent to i) provide natural gas service to facilities or property owned in whole or in part by the municipal corporation, or ii) install lines that serve only a single residential customer.*

*A municipally-owned gas service provider which fails to comply with this subsection shall be subject to relief in a court having competent jurisdiction. Nothing herein shall authorize the Commission to impose penalties or fines on any municipal corporation.*

4. At the beginning of line 200, enrolled  
strike

*G.*

insert

*H.*

5. Line 201, enrolled, after *section*  
insert

*other than subsection G*

6. At the beginning of line 202, enrolled  
strike

*H.*

insert

*I.*

7. After line 217, enrolled

insert

4. That any fully constructed and operational municipally-owned gas service system in place as of the effective date of this act shall be exempt from the requirements of subsection G of § 56-265.4:6 of the Code of Virginia.

5. That all industrial parks located within the corporate limits of a city whose 2000 population is greater than 45,000 but less than 50,000 and any facility, as that term is defined in § 15.2-6400 of the Code of Virginia, consisting of an industrial park owned or developed prior to the enactment of this legislation by a Regional Industrial Facility Authority organized and existing under § 15.2-6400, et seq., of the Code of Virginia, the members of which are such city and a county contiguous to such city, shall be exempt from the requirements of subsection G of § 56-265.4:6 of the Code of Virginia.

8. At the beginning of line 218, enrolled

strike

4.

insert

6.

9. At the beginning of line 221, enrolled

strike

5.

insert

7.

/s/ Timothy M. Kaine  
Governor

The reading of the communication was waived.

**H.B. 2024** (two thousand twenty-four) was taken up together with the following communication from the Governor:

COMMONWEALTH OF VIRGINIA  
Office of the Governor

March 30, 2009

TO THE HOUSE OF DELEGATES:  
HOUSE BILL NO. 2024

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following Amendment in the Nature of a Substitute be accepted:

/s/ Timothy M. Kaine  
Governor

AMENDMENT IN THE NATURE OF A SUBSTITUTE FOR HOUSE BILL NO. 2024

[The substitute having been printed separately, the title only is recorded as follows:]

A BILL to amend and reenact §§ 32.1-102.4, 38.2-4214, and 38.2-4319 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 38.2-3406.1, 38.2-3406.2, and 38.2-3541.1, relating to increasing the availability of basic health insurance coverage in the Commonwealth.

The reading of the communication was waived.

**H.B. 2037** (two thousand thirty-seven) was taken up together with the following communication from the Governor:

COMMONWEALTH OF VIRGINIA  
Office of the Governor

March 30, 2009

TO THE HOUSE OF DELEGATES:  
HOUSE BILL NO. 2037

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following amendment be made:

1. After line 154, enrolled  
insert  
3. That no provisions of this act or any components of this act shall affect the collection of any amounts owed to the Commonwealth for taxes administered by the Department of Taxation.

/s/ Timothy M. Kaine  
Governor

The reading of the communication was waived.

**H.B. 2056** (two thousand fifty-six) was taken up together with the following communication from the Governor:

COMMONWEALTH OF VIRGINIA  
Office of the Governor

March 30, 2009

TO THE HOUSE OF DELEGATES:  
HOUSE BILL NO. 2056

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following amendments be made:

1. Line 47, enrolled, after *million*  
strike  
*by June 30, 2012*  
insert  
*from January 1, 2009 through December 31, 2011*

2. Line 59, enrolled, after *subsection*

insert

*C or*

3. At the beginning of line 75, enrolled

strike

*July 1, 2012*

insert

*December 31, 2011*

4. Line 76, enrolled, after *million*

strike

. [the period]

insert

*, plus any amounts deferred in accordance with subsection C or D.*

/s/ Timothy M. Kaine

Governor

The reading of the communication was waived.

**H.B. 2096** (two thousand ninety-six) was taken up together with the following communication from the Governor:

COMMONWEALTH OF VIRGINIA

Office of the Governor

March 30, 2009

TO THE VIRGINIA HOUSE OF DELEGATES:

HOUSE BILL NO. 2096

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following amendment be made:

1. Line 10, enrolled, after *construction*

insert

*, renovation or rehabilitation*

/s/ Timothy M. Kaine

Governor

The reading of the communication was waived.

**H.B. 2098** (two thousand ninety-eight) was taken up together with the following communication from the Governor:

COMMONWEALTH OF VIRGINIA  
Office of the Governor

March 30, 2009

TO THE HOUSE OF DELEGATES:  
HOUSE BILL NO. 2098

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following amendments be made:

1. Line 28, enrolled, after *be*  
strike  
*considered*  
insert  
*the sole considerations*
2. Line 47, enrolled, after *be*  
strike  
*considered*  
insert  
*the sole considerations*
3. Line 64, enrolled, after *be*  
strike  
*considered*  
insert  
*the sole considerations*
4. Line 81, enrolled, after *be*  
strike  
*considered*  
insert  
*the sole considerations*

/s/ Timothy M. Kaine  
Governor

The reading of the communication was waived.

**H.B. 2099** (two thousand ninety-nine) was taken up together with the following communication from the Governor:

COMMONWEALTH OF VIRGINIA  
Office of the Governor

March 30, 2009

TO THE HOUSE OF DELEGATES:  
HOUSE BILL NO. 2099



I approve the general purpose of this bill, but I am returning it without my signature with the request that the following amendment be made:

1. Line 103, enrolled  
strike  
all of lines 103 through 120

/s/ Timothy M. Kaine  
Governor

The reading of the communication was waived.

**H.B. 2112** (two thousand one hundred twelve) was taken up together with the following communication from the Governor:

COMMONWEALTH OF VIRGINIA  
Office of the Governor

March 30, 2009

TO THE HOUSE OF DELEGATES:  
HOUSE BILL NO. 2112

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following amendment be made:

1. Line 224, enrolled, after *in*  
strike  
*grades K through 12*  
insert  
*middle and high school*

/s/ Timothy M. Kaine  
Governor

The reading of the communication was waived.

**H.B. 2150** (two thousand one hundred fifty) was taken up together with the following communication from the Governor:

COMMONWEALTH OF VIRGINIA  
Office of the Governor

March 30, 2009

TO THE VIRGINIA HOUSE OF DELEGATES:  
HOUSE BILL NO. 2150

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following amendment be made:

1. Line 20, enrolled, after *locality*

strike  
*may have*  
insert  
*has*

/s/ Timothy M. Kaine  
Governor

The reading of the communication was waived.

**H.B. 2155** (two thousand one hundred fifty-five) was taken up together with the following communication from the Governor:

COMMONWEALTH OF VIRGINIA  
Office of the Governor

March 30, 2009

TO THE HOUSE OF DELEGATES:  
HOUSE BILL NO. 2155

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following amendment be made:

1. Line 68, enrolled, after *to*  
strike  
*purchased*  
insert  
*purchase*

/s/ Timothy M. Kaine  
Governor

The reading of the communication was waived.

**H.B. 2159** (two thousand one hundred fifty-nine) was taken up together with the following communication from the Governor:

COMMONWEALTH OF VIRGINIA  
Office of the Governor

March 30, 2009

TO: THE HOUSE OF DELEGATES OF VIRGINIA  
HOUSE BILL NO. 2159

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following amendments be made:

1. Line 288, enrolled, after pursuant to  
strike  
the remainder of line 288 and through *16.1-242 and* on line 289

insert

§

2. Line 307, enrolled, after *the birth*  
strike

*farther*

insert

*father*

/s/ Timothy M. Kaine  
Governor

The reading of the communication was waived.

**H.B. 2172** (two thousand one hundred seventy-two) was taken up together with the following communication from the Governor:

COMMONWEALTH OF VIRGINIA  
Office of the Governor

March 30, 2009

TO THE HOUSE OF DELEGATES:  
HOUSE BILL NO. 2172

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following amendments be made:

1. At the beginning of line 29, enrolled  
strike  
*parks,*
2. Line 119, enrolled, after *public*  
strike  
*parks,*
3. Line 138, enrolled, after *public*  
strike  
*parks,*
4. Line 170, enrolled, after *its*  
strike  
*parks,*
5. Line 248, enrolled, after *public*  
strike  
*parks,*
6. Line 276, enrolled, after *public*  
strike  
*parks,*

7. Line 280, enrolled, after *public*  
strike  
*park,*

8. Line 281, enrolled, after *public*  
strike  
*park,*

9. Line 294, enrolled, after *surface of the*  
strike  
*parks,*

/s/ Timothy M. Kaine  
Governor

The reading of the communication was waived.

**H.B. 2175** (two thousand one hundred seventy-five) was taken up together with the following communication from the Governor:

COMMONWEALTH OF VIRGINIA  
Office of the Governor

March 30, 2009

TO THE VIRGINIA HOUSE OF DELEGATES:  
HOUSE BILL NO. 2175

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following amendment be made:

1. Line 89, enrolled, after *F*.  
insert

*There is hereby established a special, nonreverting fund in the state treasury to be known as the Small Renewable Energy Project Fee Fund, hereafter referred to as the Fund. Notwithstanding the provisions of § 2.2-1802, all moneys collected pursuant to this § 10.1-1197.6 shall be paid into the state treasury to the credit of the Fund. Any moneys remaining in the Fund shall not revert to the general fund but shall remain in the Fund. Interest earned on such moneys shall remain in the Fund and be credited to it. The Fund shall be exempt from statewide indirect costs charged and collected by the Department of Accounts.*

*G.*

/s/ Timothy M. Kaine  
Governor

The reading of the communication was waived.

**H.B. 2197** (two thousand one hundred ninety-seven) was taken up together with the following communication from the Governor:

COMMONWEALTH OF VIRGINIA  
Office of the Governor

March 30, 2009

TO: THE HOUSE OF DELEGATES OF VIRGINIA  
HOUSE BILL NO. 2197

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following amendment be made:

1. Line 60, enrolled, after violates  
strike  
this subsection  
insert  
*subsection B or C*

/s/ Timothy M. Kaine  
Governor

The reading of the communication was waived.

**H.B. 2201** (two thousand two hundred one) was taken up together with the following communication from the Governor:

COMMONWEALTH OF VIRGINIA  
Office of the Governor

March 30, 2009

TO THE VIRGINIA HOUSE OF DELEGATES:  
HOUSE BILL NO. 2201

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following amendments be made:

1. Line 442, enrolled, after as a grant  
insert  
*or loan*
2. Line 442, enrolled, after accompanying a grant  
insert  
*or loan*
3. Line 643, enrolled, after grant  
insert  
*or loan*

/s/ Timothy M. Kaine  
Governor

The reading of the communication was waived.

**H.B. 2258** (two thousand two hundred fifty-eight) was taken up together with the following communication from the Governor:

COMMONWEALTH OF VIRGINIA  
Office of the Governor

March 30, 2009

TO THE VIRGINIA HOUSE OF DELEGATES:  
HOUSE BILL NO. 2258

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following amendments be made:

1. Line 10, enrolled, after *after*  
strike  
*routine*
2. Line 13, enrolled, after *following*  
strike  
*routine*
3. Line 13, enrolled, after *eyes*  
strike  
the remainder of line 13 and through *services*, on line 14
4. Line 14, enrolled, after *any*  
strike  
The remainder of line 14 and through *any* on line 15

/s/ Timothy M. Kaine  
Governor

The reading of the communication was waived.

**H.B. 2285** (two thousand two hundred eighty-five) was taken up together with the following communication from the Governor:

COMMONWEALTH OF VIRGINIA  
Office of the Governor

March 30, 2009

TO THE VIRGINIA HOUSE OF DELEGATES:  
HOUSE BILL NO. 2285

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following Amendment in the Nature of a Substitute be accepted.

/s/ Timothy M. Kaine  
Governor

## AMENDMENT IN THE NATURE OF A SUBSTITUTE FOR HOUSE BILL NO. 2285

[The substitute having been printed separately, the title only is recorded as follows:]

A BILL to amend and reenact § 30-133 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 2.2-1115.1, relating to duties of the Auditor of Public Accounts; budget transparency provisions.

The reading of the communication was waived.

**H.B. 2300** (two thousand three hundred) was taken up together with the following communication from the Governor:

COMMONWEALTH OF VIRGINIA  
Office of the Governor

March 30, 2009

TO THE VIRGINIA HOUSE OF DELEGATES:  
HOUSE BILL NO. 2300

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following amendment be made:

1. After line 7161, enrolled  
insert

2. That the regulations adopted by the State Mental Health, Mental Retardation and Substance Abuse Services Board in effect on the effective date of this act shall continue in effect until such time as amended or repealed by the State Board of Behavioral Health and Developmental Services.

3. That, as of the effective date of this act, the Department of and Office of Inspector General for Behavioral Health and Developmental Services shall be deemed the successor in interest to the Department of and Office of Inspector General for Mental Health, Mental Retardation and Substance Abuse Services to the extent that this act transfers powers and duties. All rights, title and interest in and to any real or tangible personal property vested in the Department of and Office of Inspector General for Mental Health, Mental Retardation and Substance Abuse Services to the extent that this act transfers powers and duties as of the effective date of this act shall be transferred to and taken as standing in the name of the Department of and Office of Inspector General for Behavioral Health and Developmental Services.

4. That, as of the effective date of this act, the Behavioral Health and Developmental Trust and Revenue Funds created pursuant to § 37.2-716 of the Code of Virginia shall be deemed the successor in interest to the Mental Health, Mental Retardation and Substance Abuse Services Trust and Revenue Funds.

/s/ Timothy M. Kaine  
Governor

The reading of the communication was waived.

**H.B. 2366** (two thousand three hundred sixty-six) was taken up together with the following communication from the Governor:

COMMONWEALTH OF VIRGINIA  
Office of the Governor

March 30, 2009

TO THE VIRGINIA HOUSE OF DELEGATES:  
HOUSE BILL NO. 2366

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following amendments be made:

1. Line 45, enrolled, after *the council*  
insert

*except as to voting on those matters set forth in Article VII, Section 7 of the Constitution of Virginia*

2. Line 45, enrolled, after *matter*  
insert

*except those matters set forth in Article VII, Section 7 of the Constitution of Virginia*

/s/ Timothy M. Kaine  
Governor

The reading of the communication was waived.

**H.B. 2371** (two thousand three hundred seventy-one) was taken up together with the following communication from the Governor:

COMMONWEALTH OF VIRGINIA  
Office of the Governor

March 30, 2009

TO THE VIRGINIA HOUSE OF DELEGATES:  
HOUSE BILL NO. 2371

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following amendments be made:

1. Line 23, enrolled, after *Determine*  
strike

*imbedded*

insert

*embedded*

2. Line 29, enrolled, after *d.*  
strike

*The*



insert

*Ensure that the*

3. At the beginning of line 65, enrolled  
strike  
all of lines 65 through 69

/s/ Timothy M. Kaine  
Governor

The reading of the communication was waived.

**H.B. 2400** (two thousand four hundred) was taken up together with the following communication from the Governor:

COMMONWEALTH OF VIRGINIA  
Office of the Governor

March 30, 2009

TO THE VIRGINIA HOUSE OF DELEGATES:  
HOUSE BILL NO. 2400

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following amendments be made:

1. Line 8, enrolled, after (*§ 18.2-61*)  
insert  
*et seq.*
2. At the beginning of line 11, enrolled  
strike  
*§ 9.1-102.45*  
insert  
*subdivision (45) of § 9.1-102*

/s/ Timothy M. Kaine  
Governor

The reading of the communication was waived.

**H.B. 2423** (two thousand four hundred twenty-three) was taken up together with the following communication from the Governor:

COMMONWEALTH OF VIRGINIA  
Office of the Governor

March 30, 2009

TO THE HOUSE OF DELEGATES:  
HOUSE BILL NO. 2423

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following amendment be made:

- 1. Line 66, enrolled, after 2.  
insert

That an emergency exists and this act is in force from its passage.

3.

/s/ Timothy M. Kaine  
Governor

The reading of the communication was waived.

**H.B. 2433** (two thousand four hundred thirty-three) was taken up together with the following communication from the Governor:

COMMONWEALTH OF VIRGINIA  
Office of the Governor

March 30, 2009

TO THE HOUSE OF DELEGATES:  
HOUSE BILL NO. 2433

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following amendments be made:

- 1. Line 20, enrolled, after *members*  
strike

*to be appointed by the region's city councils from nominees submitted by the Board.*

insert

*of whom shall be appointed by their respective city councils as follows: two members for the City of Norfolk, one member for the City of Virginia Beach, and one member appointed by the following city councils in a rotating manner beginning with the City of Chesapeake, the City of Hampton, the City of Portsmouth, the City of Suffolk, and the City of Newport News.*

- 2. At the beginning of line 22, enrolled  
strike

All of lines 22 through 27

insert

*Effective June 30, 2009, as terms expire on the Board among those members previously appointed by the region's city councils, the Commonwealth's three appointing bodies shall make appointments in a rotating manner, in the following order: in 2009, two Governor's appointments and two Senate appointments; and in 2010, three House of Delegates appointments. In 2011, four appointments shall be made by the region's city councils as previously described. Thereafter, all Board appointments will be made by the initial appointing body. Any vacancy that occurs prior to the completion of the term shall be appointed by the appointing authority, for the remainder of the term only.*

/s/ Timothy M. Kaine  
Governor

The reading of the communication was waived.

**H.B. 2437** (two thousand four hundred thirty-seven) was taken up together with the following communication from the Governor:

COMMONWEALTH OF VIRGINIA  
Office of the Governor

March 30, 2009

TO THE VIRGINIA HOUSE OF DELEGATES:  
HOUSE BILL NO. 2437

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following amendment be made:

1. At the beginning of line 66, enrolled  
insert

*E. The General Assembly of Virginia finds that job creation is essential to the continued fiscal health of the Commonwealth. In this modern economy, states often compete for quality manufacturing jobs. Accordingly, the provisions of this section relating to manufacturing companies that increase their employment in Virginia are integral to the purpose of the election allowed pursuant to this section. If any provision of this section is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, that provision shall not be deemed severable.*

/s/ Timothy M. Kaine  
Governor

The reading of the communication was waived.

**H.B. 2479** (two thousand four hundred seventy-nine) was taken up together with the following communication from the Governor:

COMMONWEALTH OF VIRGINIA  
Office of the Governor

March 30, 2009

TO THE HOUSE OF DELEGATES:  
HOUSE BILL NO. 2479

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following amendment be made:

1. Line 91, enrolled, after act

insert

amending subsections B and D of § 58.1-3221.3 to reduce the maximum tax rate that may be imposed by any locality embraced by the Northern Virginia Transportation Authority from \$0.25 per \$100 of real property value to \$0.125 per \$100 of real property value

/s/ Timothy M. Kaine  
Governor

The reading of the communication was waived.

**H.B. 2491** (two thousand four hundred ninety-one) was taken up together with the following communication from the Governor:

COMMONWEALTH OF VIRGINIA  
Office of the Governor

March 30, 2009

TO THE VIRGINIA HOUSE OF DELEGATES:  
HOUSE BILL NO. 2491

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following amendment be made:

1. After line 387, enrolled, after *office*  
insert

*and have their terms extended by six months*

/s/ Timothy M. Kaine  
Governor

The reading of the communication was waived.

**H.B. 2517** (two thousand five hundred seventeen) was taken up together with the following communication from the Governor:

COMMONWEALTH OF VIRGINIA  
Office of the Governor

March 30, 2009

TO THE HOUSE OF DELEGATES:  
HOUSE BILL NO. 2517

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following amendment be made:

1. Line 82, enrolled, after teachers  
strike

*, such as industry certification and state licensure examinations and (ii)*

insert

*; (ii) select appropriate industry certification and state licensure examinations  
and (iii)*

/s/ Timothy M. Kaine  
Governor

The reading of the communication was waived.

**H.B. 2539** (two thousand five hundred thirty-nine) was taken up together with the following communication from the Governor:

COMMONWEALTH OF VIRGINIA  
Office of the Governor

March 30, 2009

TO THE VIRGINIA HOUSE OF DELEGATES:  
HOUSE BILL NO. 2539

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following amendment be made:

1. After line 122, enrolled  
insert

4. That an emergency exists and this act is in force from its passage.

/s/ Timothy M. Kaine  
Governor

The reading of the communication was waived.

**H.B. 2549** (two thousand five hundred forty-nine) was taken up together with the following communication from the Governor:

COMMONWEALTH OF VIRGINIA  
Office of the Governor

March 30, 2009

TO THE HOUSE OF DELEGATES:  
HOUSE BILL NO. 2549

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following amendments be made:

1. Line 167, enrolled, after system  
insert

*or the Virginia College Savings Plan*

2. Line 438, enrolled, after *seven*

insert

*non-legislative*

3. Line 439, enrolled, after *Rules*

strike

*in accordance with the Rules of the Senate*

4. Line 440, enrolled, after *Delegates*

strike

*in accordance with the Rules of the House*

/s/ Timothy M. Kaine

Governor

The reading of the communication was waived.

**H.B. 2596** (two thousand five hundred ninety-six) was taken up together with the following communication from the Governor:

COMMONWEALTH OF VIRGINIA

Office of the Governor

March 30, 2009

TO THE HOUSE OF DELEGATES:

HOUSE BILL NO. 2596

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following amendments be made:

1. Line 117, enrolled, after Board

unstrike

~~of~~

2. Line 117, enrolled, after ~~six~~

insert

*eight*

3. Line 117, enrolled, after ~~six~~

unstrike

~~Directors~~

4. Line 118, enrolled, after *government*

strike

the remainder of line 118, all of lines 119 and 120, and through *authorization* on line 121

insert

*(one of whom shall be a regular passenger and customer of the bus or rail service of the authority)*

5. Line 122, enrolled, after Columbia;

strike  
and

6. Line 126, enrolled, after body.

strike  
the remainder of line 126 and through director on line 127  
insert  
*A Director for a Signatory*

7. Line 128, enrolled, after of the

unstrike  
~~Signatory~~

8. Line 128, enrolled, after ~~Signatory~~

strike  
*jurisdiction*

9. At the beginning of line 129, enrolled

insert  
*nonfederal*

10. Line 129, enrolled, after Director

strike  
, who

insert  
*. In addition, the Administrator of General Services shall also appoint two nonvoting members who shall serve as the alternates for the federal Directors. An alternate Director*

11. Line 132, enrolled, after alternate

insert  
*, including the federal nonvoting Directors,*

12. Line 137, enrolled, after ~~Signatory~~

strike  
*jurisdiction*  
insert  
*Government*

13. Line 142, enrolled

strike  
all of lines 142 through 148

14. After line 393, enrolled

insert  
*d) (1) All payments made by the local Signatory governments for the Authority for the purpose of matching federal funds appropriated in any given year as authorized under Title VI, § 601, P. L. 110-432 regarding funding of capital and preventive maintenance projects of the Authority shall be made from amounts derived from dedicated funding sources.*

(2) For purposes of this paragraph (d), a “dedicated funding source” means any source of funding that is earmarked or required under state or local law to be used to match federal appropriations authorized under Title VI, § 601, P. L. 110-432 for payments to the Authority.

15. Line 463, enrolled, after budgets.

strike

the rest of line 463 and all of lines 464 through 467

/s/ Timothy M. Kaine  
Governor

The reading of the communication was waived.

**H.B. 2646** (two thousand six hundred forty-six) was taken up together with the following communication from the Governor:

COMMONWEALTH OF VIRGINIA  
Office of the Governor

March 30, 2009

TO THE VIRGINIA HOUSE OF DELEGATES:  
HOUSE BILL NO. 2646

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following amendments be made:

1. At the beginning of line 25, enrolled

insert

*“Conduit lender” means a state agency, authority or instrumentality or a locality, local or regional authority or an instrumentality thereof serving as a conduit lender of betterment loans.*

2. Line 70, enrolled, after *lenders*

insert

*, directly or through conduit lenders*

/s/ Timothy M. Kaine  
Governor

The reading of the communication was waived.

On motion of Senator Saslaw, the following House bills were amended in accordance with the recommendations of the Governor en bloc:

**H.B. 1680** (one thousand six hundred eighty) with recommendation.

**H.B. 1687** (one thousand six hundred eighty-seven) with recommendations.

**H.B. 1709** (one thousand seven hundred nine) with recommendation.

**H.B. 1830** (one thousand eight hundred thirty) with recommendation.

**H.B. 1878** (one thousand eight hundred seventy-eight) with recommendation No. 4.

**H.B. 1889** (one thousand eight hundred eighty-nine) with recommendations.



**H.B. 1899** (one thousand eight hundred ninety-nine) with recommendation.  
**H.B. 1919** (one thousand nine hundred nineteen) with recommendation No. 2.  
**H.B. 1941** (one thousand nine hundred forty-one) with recommendations.  
**H.B. 1945** (one thousand nine hundred forty-five) with recommendation.  
**H.B. 1946** (one thousand nine hundred forty-six) with recommendation.  
**H.B. 1970** (one thousand nine hundred seventy) with recommendations.  
**H.B. 2024** (two thousand twenty-four) with recommendation.  
**H.B. 2037** (two thousand thirty-seven) with recommendation.  
**H.B. 2056** (two thousand fifty-six) with recommendations.  
**H.B. 2096** (two thousand ninety-six) with recommendation.  
**H.B. 2098** (two thousand ninety-eight) with recommendations.  
**H.B. 2099** (two thousand ninety-nine) with recommendation.  
**H.B. 2112** (two thousand one hundred twelve) with recommendation.  
**H.B. 2150** (two thousand one hundred fifty) with recommendation.  
**H.B. 2155** (two thousand one hundred fifty-five) with recommendation.  
**H.B. 2159** (two thousand one hundred fifty-nine) with recommendations.  
**H.B. 2172** (two thousand one hundred seventy-two) with recommendations.  
**H.B. 2175** (two thousand one hundred seventy-five) with recommendation.  
**H.B. 2197** (two thousand one hundred ninety-seven) with recommendation.  
**H.B. 2201** (two thousand two hundred one) with recommendations.  
**H.B. 2258** (two thousand two hundred fifty-eight) with recommendations.  
**H.B. 2285** (two thousand two hundred eighty-five) with recommendation.  
**H.B. 2300** (two thousand three hundred) with recommendation.  
**H.B. 2366** (two thousand three hundred sixty-six) with recommendations.  
**H.B. 2371** (two thousand three hundred seventy-one) with recommendations.  
**H.B. 2400** (two thousand four hundred) with recommendations.  
**H.B. 2423** (two thousand four hundred twenty-three) with recommendation.  
**H.B. 2433** (two thousand four hundred thirty-three) with recommendations.  
**H.B. 2437** (two thousand four hundred thirty-seven) with recommendation.  
**H.B. 2479** (two thousand four hundred seventy-nine) with recommendation.  
**H.B. 2491** (two thousand four hundred ninety-one) with recommendation.  
**H.B. 2517** (two thousand five hundred seventeen) with recommendation.  
**H.B. 2539** (two thousand five hundred thirty-nine) with recommendation.  
**H.B. 2549** (two thousand five hundred forty-nine) with recommendations.  
**H.B. 2596** (two thousand five hundred ninety-six) with recommendations.  
**H.B. 2646** (two thousand six hundred forty-six) with recommendations.

The recorded vote is as follows:

YEAS--40. NAYS--0. RULE 36--0.

YEAS--Barker, Blevins, Colgan, Cuccinelli, Deeds, Edwards, Hanger, Herring, Houck, Howell, Hurt, Locke, Lucas, Marsh, Martin, McDougle, McEachin, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Obenshain, Petersen, Puckett, Puller, Quayle, Reynolds, Ruff, Saslaw, Smith, Stolle, Stosch, Stuart, Ticer, Vogel, Wagner, Wampler, Watkins, Whipple--40.

NAYS--0.

RULE 36--0.

**H.B. 1580** (one thousand five hundred eighty) was taken up together with the following communication from the Governor:

COMMONWEALTH OF VIRGINIA  
Office of the Governor

March 30, 2009

TO THE HOUSE OF DELEGATES:  
HOUSE BILL NO. 1580

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following amendments be made:

1. Line 28, enrolled, after by the  
strike  
Northern Virginia  
insert  
*applicable regional*

2. At the beginning of line 29, enrolled  
strike  
all of line 29

3. At the beginning of line 30, enrolled  
strike  
*organization*  
insert  
*organizations*

4. Line 356, enrolled, after *Code*.  
insert  
*Such tax may be used for transportation safety improvements as determined by such city or county embraced by the Northern Virginia Transportation Authority.*

/s/ Timothy M. Kaine  
Governor

The reading of the communication was waived.

**H.B. 1580**, on motion of Senator Miller, Y.B., was amended in accordance with recommendations Nos. 1, 2, and 3 of the Governor.

The recorded vote is as follows:

YEAS--39. NAYS--1. RULE 36--0.

YEAS--Barker, Blevins, Colgan, Cuccinelli, Deeds, Edwards, Hanger, Herring, Houck, Howell, Hurt, Locke, Lucas, Marsh, Martin, McDougle, McEachin, Miller, J.C., Miller, Y.B., Newman, Northam, Obenshain, Petersen, Puckett, Puller, Quayle, Reynolds, Ruff, Saslaw, Smith, Stolle, Stosch, Stuart, Ticer, Vogel, Wagner, Wampler, Watkins, Whipple--39.

NAYS--Norment--1.  
RULE 36--0.

**H.B. 1782** (one thousand seven hundred eighty-two) was taken up together with the following communication from the Governor:

COMMONWEALTH OF VIRGINIA  
Office of the Governor

March 30, 2009

TO THE HOUSE OF DELEGATES:  
HOUSE BILL NO. 1782

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following amendment be made:

1. At the beginning of line 17, enrolled  
strike  
*on or after January 1, 2010*  
insert  
*beginning in academic year 2010-2011*

/s/ Timothy M. Kaine  
Governor

The reading of the communication was waived.

**H.B. 1782**, on motion of Senator Miller, Y.B., was amended in accordance with the recommendation of the Governor.

The recorded vote is as follows:  
YEAS--37. NAYS--2. RULE 36--0.

YEAS--Barker, Blevins, Colgan, Deeds, Edwards, Hanger, Herring, Houck, Howell, Hurt, Locke, Lucas, Marsh, McDougle, McEachin, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Petersen, Puckett, Puller, Quayle, Reynolds, Ruff, Saslaw, Smith, Stolle, Stosch, Stuart, Ticer, Vogel, Wagner, Wampler, Watkins, Whipple--37.

NAYS--Cuccinelli, Obenshain--2.  
RULE 36--0.

**H.B. 1788** (one thousand seven hundred eighty-eight) was taken up together with the following communication from the Governor:

COMMONWEALTH OF VIRGINIA  
Office of the Governor

March 30, 2009

TO THE HOUSE OF DELEGATES:  
HOUSE BILL NO. 1788

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following amendments be made:

1. At the beginning of line 61, enrolled  
strike  
all of lines 61 through 66

2. At the beginning of line 67, enrolled  
strike  
3.  
insert  
2.
3. Line 67, enrolled, after in  
strike  
subsection  
insert  
subsections C and
4. At the beginning of line 71, enrolled  
strike  
4.  
insert  
3.

/s/ Timothy M. Kaine  
Governor

The reading of the communication was waived.

**H.B. 1788**, on motion of Senator Lucas, was amended in accordance with the recommendations of the Governor.

The recorded vote is as follows:

YEAS--39. NAYS--1. RULE 36--0.

YEAS--Barker, Blevins, Colgan, Cuccinelli, Deeds, Edwards, Hanger, Herring, Houck, Howell, Hurt, Locke, Lucas, Marsh, Martin, McDougle, McEachin, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Obenshain, Petersen, Puckett, Puller, Quayle, Reynolds, Saslaw, Smith, Stolle, Stosch, Stuart, Ticer, Vogel, Wagner, Wampler, Watkins, Whipple--39.

NAYS--Ruff--1.

RULE 36--0.

**H.B. 1885** (one thousand eight hundred eighty-five) was taken up together with the following communication from the Governor:

COMMONWEALTH OF VIRGINIA  
Office of the Governor

March 30, 2009

TO THE HOUSE OF DELEGATES:  
HOUSE BILL NO. 1885

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following amendment be made:

1. Line 66, enrolled, after *facilities*.

insert

*In its determination, the Commission shall not exclude as a competitor any affiliate of the telephone company.*

/s/ Timothy M. Kaine  
Governor

The reading of the communication was waived.

**H.B. 1885**, on motion of Senator Saslaw, was amended in accordance with the recommendation of the Governor.

The recorded vote is as follows:

YEAS--35. NAYS--5. RULE 36--0.

YEAS--Barker, Blevins, Colgan, Deeds, Edwards, Hanger, Herring, Houck, Howell, Locke, Lucas, Marsh, Martin, McDougle, McEachin, Miller, J.C., Miller, Y.B., Norment, Northam, Petersen, Puckett, Puller, Quayle, Reynolds, Saslaw, Smith, Stolle, Stosch, Stuart, Ticer, Vogel, Wagner, Wampler, Watkins, Whipple--35.

NAYS--Cuccinelli, Hurt, Newman, Obenshain, Ruff--5.

RULE 36--0.

**H.B. 2008** (two thousand eight) was taken up together with the following communication from the Governor:

COMMONWEALTH OF VIRGINIA  
Office of the Governor

March 30, 2009

TO THE VIRGINIA HOUSE OF DELEGATES:  
HOUSE BILL NO. 2008

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following amendments be made:

1. Line 27, enrolled, after *component*

insert

*except as provided by the section.*

*The Commonwealth Transportation Board may authorize the use of bicycles on an Interstate Highway System Component provided the operation is limited to bicycle or pedestrian facilities that are barrier separated from the roadway and automobile traffic and such component meets all applicable safety requirements established by federal and state law.*

2. After line 37, enrolled

strike

All of lines 38 through 42

/s/ Timothy M. Kaine  
Governor

The reading of the communication was waived.

**H.B. 2008**, on motion of Senator Miller, Y.B., was amended in accordance with the recommendations of the Governor.

The recorded vote is as follows:

YEAS--39. NAYS--0. RULE 36--0.

YEAS--Barker, Blevins, Colgan, Cuccinelli, Deeds, Edwards, Hanger, Herring, Howell, Hurt, Locke, Lucas, Marsh, Martin, McDougle, McEachin, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Obenshain, Petersen, Puckett, Puller, Quayle, Reynolds, Ruff, Saslaw, Smith, Stolle, Stosch, Stuart, Ticer, Vogel, Wagner, Wampler, Watkins, Whipple--39.

NAYS--0.

RULE 36--0.

**H.B. 2169** (two thousand one hundred sixty-nine) was taken up together with the following communication from the Governor:

COMMONWEALTH OF VIRGINIA

Office of the Governor

March 30, 2009

TO THE HOUSE OF DELEGATES:

HOUSE BILL NO. 2169

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following amendment be made:

1. Line 219, enrolled, after *percent*  
strike  
*of*  
insert  
*more than*

/s/ Timothy M. Kaine  
Governor

The reading of the communication was waived.

**H.B. 2169**, on motion of Senator Miller, Y.B., was amended in accordance with the recommendation of the Governor.

The recorded vote is as follows:

YEAS--39. NAYS--0. RULE 36--0.

YEAS--Barker, Blevins, Colgan, Cuccinelli, Deeds, Edwards, Hanger, Herring, Howell, Hurt, Locke, Lucas, Marsh, Martin, McDougle, McEachin, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Obenshain, Petersen, Puckett, Puller, Quayle, Reynolds, Ruff, Saslaw, Smith, Stolle, Stosch, Stuart, Ticer, Vogel, Wagner, Wampler, Watkins, Whipple--39.

NAYS--0.

RULE 36--0.

**H.B. 2311** (two thousand three hundred eleven) was taken up together with the following communication from the Governor:

COMMONWEALTH OF VIRGINIA  
Office of the Governor

March 30, 2009

TO THE VIRGINIA HOUSE OF DELEGATES:  
HOUSE BILL NO. 2311

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following amendments be made:

1. Line 23, enrolled, after *January 1*,  
strike  
2009  
insert  
2008
  
2. Line 37, enrolled, after *construction*  
strike  
of  
insert  
, *reconstruction, renovation of, or adaptive re-use of a structure for*

/s/ Timothy M. Kaine  
Governor

The reading of the communication was waived.

**H.B. 2311**, on motion of Senator Marsh, was amended in accordance with the recommendations of the Governor.

The recorded vote is as follows:  
YEAS--33. NAYS--7. RULE 36--0.

YEAS--Barker, Blevins, Colgan, Deeds, Edwards, Hanger, Herring, Houck, Howell, Locke, Lucas, Marsh, McEachin, Miller, J.C., Miller, Y.B., Norment, Northam, Petersen, Puckett, Puller, Quayle, Reynolds, Ruff, Saslaw, Stolle, Stosch, Stuart, Ticer, Vogel, Wagner, Wampler, Watkins, Whipple--33.

NAYS--Cuccinelli, Hurt, Martin, McDougle, Newman, Obenshain, Smith--7.  
RULE 36--0.

**H.B. 2432** (two thousand four hundred thirty-two) was taken up together with the following communication from the Governor:

COMMONWEALTH OF VIRGINIA  
Office of the Governor

March 30, 2009

TO THE VIRGINIA HOUSE OF DELEGATES:  
HOUSE BILL NO. 2432

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following amendments be made:

1. Line 126, enrolled, after ~~ten~~  
strike  
14  
insert  
15

2. Line 133, enrolled, after inspectors  
insert  
*, one shall be a licensed mold inspector or a licensed mold remediator;*

/s/ Timothy M. Kaine  
Governor

The reading of the communication was waived.

**H.B. 2432**, on motion of Senator Locke, was amended in accordance with the recommendations of the Governor.

The recorded vote is as follows:  
YEAS--40. NAYS--0. RULE 36--0.

YEAS--Barker, Blevins, Colgan, Cuccinelli, Deeds, Edwards, Hanger, Herring, Houck, Howell, Hurt, Locke, Lucas, Marsh, Martin, McDougle, McEachin, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Obenshain, Petersen, Puckett, Puller, Quayle, Reynolds, Ruff, Saslaw, Smith, Stolle, Stosch, Stuart, Ticer, Vogel, Wagner, Wampler, Watkins, Whipple--40.  
NAYS--0.  
RULE 36--0.

**H.B. 2506** (two thousand five hundred six) was taken up together with the following communication from the Governor:

COMMONWEALTH OF VIRGINIA  
Office of the Governor

March 30, 2009

TO THE VIRGINIA HOUSE OF DELEGATES:  
HOUSE BILL NO. 2506

I approve the general purpose of this bill, but I am returning it without my signature with the request that the following amendments be made:

1. Line 312, enrolled, after *consideration the*  
strike  
*goal*



insert

*goals*

2. Line 312, enrolled, after *development*

insert

*, energy efficiency and environmental protection*

3. At the beginning of line 570, enrolled

strike

all of lines 570 through 582

/s/ Timothy M. Kaine

Governor

The reading of the communication was waived.

Senator Saslaw moved that the Senate amend **H.B. 2506** in accordance with the recommendations of the Governor.

Senator Watkins requested that, pursuant to Senate Rule 31, there be a division of the recommendations for consideration.

The question was put on amending **H.B. 2506** in accordance with recommendations Nos. 1 and 2 of the Governor.

**H.B. 2506** was amended in accordance with recommendations Nos. 1 and 2 of the Governor.

The recorded vote is as follows:

YEAS--39. NAYS--1. RULE 36--0.

YEAS--Barker, Blevins, Colgan, Cuccinelli, Deeds, Edwards, Hanger, Herring, Houck, Howell, Hurt, Locke, Lucas, Marsh, Martin, McDougale, McEachin, Miller, J.C., Miller, Y.B., Newman, Norment, Northam, Obenshain, Petersen, Puckett, Puller, Quayle, Reynolds, Ruff, Saslaw, Smith, Stolle, Stosch, Stuart, Ticer, Vogel, Wampler, Watkins, Whipple--39.

NAYS--Wagner--1.

RULE 36--0.

The question was put on amending **H.B. 2506** in accordance with recommendation No. 3 of the Governor.

#### THE PRESIDENT PRO TEMPORE PRESIDING

At the request of the President, the President pro tempore, Senator Colgan, took the Chair.

#### THE PRESIDENT PRESIDING

The President resumed the Chair.

**H.B. 2506** was amended in accordance with recommendation No. 3 of the Governor.

The recorded vote is as follows:

YEAS--23. NAYS--17. RULE 36--0.

YEAS--Barker, Colgan, Deeds, Edwards, Herring, Houck, Howell, Locke, Lucas, Marsh, McEachin, Miller, J.C., Miller, Y.B., Northam, Petersen, Puckett, Puller, Reynolds, Saslaw, Ticer, Vogel, Wagner, Whipple--23.

NAYS--Blevins, Cuccinelli, Hanger, Hurt, Martin, McDougle, Newman, Norment, Obenshain, Quayle, Ruff, Smith, Stolle, Stosch, Stuart, Wampler, Watkins--17.

RULE 36--0.

### STATEMENT ON VOTE

Senator Wagner stated that he was recorded as voting yea on the question of amending **H.B. 2506** in accordance with recommendation No. 3 of the Governor, whereas he intended to vote nay.

### HOUSE BILLS VETOED BY GOVERNOR

**H.B. 1851** (one thousand eight hundred fifty-one) was returned by the Governor with the following communication:

COMMONWEALTH OF VIRGINIA  
Office of the Governor

March 30, 2009

TO THE VIRGINIA HOUSE OF DELEGATES:

HOUSE BILL NO. 1851

Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 1851, which would create a new exemption to Virginia's one handgun a month law.

The new exemption would apply to active duty service members, whether Virginia residents or not. Because holders of valid Virginia concealed weapons permits are already able to purchase more than one handgun per month, House Bill 1851 only extends the ability to buy more than one handgun a month to nonresidents or those Virginians unable to obtain a concealed weapons permit.

Accordingly, I veto this bill.

/s/ Timothy M. Kaine  
Governor

The reading of the communication was waived.

Senator Marsh moved that **H.B. 1851** be passed in the enrolled form, notwithstanding the objections of the Governor.

The question was put on passing **H.B. 1851** in the enrolled form, notwithstanding the objections of the Governor.

**H.B. 1851** failed to pass in the enrolled form, having failed to receive the necessary affirmative votes required by Article V, Section 6, of the Constitution.

The recorded vote is as follows:

YEAS--26. NAYS--14. RULE 36--0.

YEAS--Blevins, Cuccinelli, Deeds, Edwards, Hanger, Houck, Hurt, Martin, McDougle, Miller, J.C., Newman, Norment, Northam, Obenshain, Puckett, Quayle, Reynolds, Ruff, Smith, Stolle, Stosch, Stuart, Vogel, Wagner, Wampler, Watkins--26.

NAYS--Barker, Colgan, Herring, Howell, Locke, Lucas, Marsh, McEachin, Miller, Y.B., Petersen, Puller, Saslaw, Ticer, Whipple--14.

RULE 36--0.

**H.B. 2358** (two thousand three hundred fifty-eight) was returned by the Governor with the following communication:

COMMONWEALTH OF VIRGINIA

Office of the Governor

March 30, 2009

TO THE VIRGINIA HOUSE OF DELEGATES:

HOUSE BILL NO. 2358

Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 2358, which expands the list of crimes for which an offender is eligible for capital punishment.

Virginia is already second in the nation in the number of executions we carry out. While the nature of the offense targeted by this legislation is very serious, I do not believe that further expansion of the death penalty is necessary to protect human life.

Accordingly, I am vetoing this bill.

/s/ Timothy M. Kaine

Governor

The reading of the communication was waived.

Senator Obenshain moved that **H.B. 2358** be passed in the enrolled form, notwithstanding the objections of the Governor.

The question was put on passing **H.B. 2358** in the enrolled form, notwithstanding the objections of the Governor.

**H.B. 2358** failed to pass in the enrolled form, having failed to receive the necessary affirmative votes required by Article V, Section 6, of the Constitution.

The recorded vote is as follows:

YEAS--24. NAYS--16. RULE 36--0.

YEAS--Blevins, Colgan, Deeds, Hanger, Herring, Houck, Hurt, Martin, McDougle, Miller, J.C., Newman, Norment, Obenshain, Puckett, Quayle, Reynolds, Ruff, Stolle, Stosch, Stuart, Vogel, Wagner, Wampler, Watkins--24.

NAYS--Barker, Cuccinelli, Edwards, Howell, Locke, Lucas, Marsh, McEachin, Miller, Y.B., Northam, Petersen, Puller, Saslaw, Smith, Ticer, Whipple--16.

RULE 36--0.

#### STATEMENTS ON VOTE

Senator Colgan stated that he was recorded as voting yea on the question of the passage of the enrolled form of **H.B. 2358**, notwithstanding the objections of the Governor, whereas he intended to vote nay.

Senator Smith stated that he was recorded as voting nay on the question of the passage of the enrolled form of **H.B. 2358**, notwithstanding the objections of the Governor, whereas he intended to vote yea.

**H.B. 2528** (two thousand five hundred twenty-eight) was returned by the Governor with the following communication:

COMMONWEALTH OF VIRGINIA  
Office of the Governor

March 30, 2009

TO THE VIRGINIA HOUSE OF DELEGATES:  
HOUSE BILL NO. 2528

Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 2528, which unnecessarily interferes with the operations of local governments. Specifically, the bill prohibits local law enforcement from choosing to conduct voluntary gun buyback programs and then destroying the weapons.

Some localities have found this program to be effective in reducing the number of illegal firearms in their communities. It is not a mandatory program, and law enforcement in each locality have made the decision whether such a program is desirable in their own county or city. There is no compelling reason for the General Assembly to take this decision out of the hands of local law enforcement.

Accordingly, I veto this bill.

/s/ Timothy M. Kaine  
Governor

The reading of the communication was waived.

Senator Lucas moved that **H.B. 2528** be passed in the enrolled form, notwithstanding the objections of the Governor.

The question was put on passing **H.B. 2528** in the enrolled form, notwithstanding the objections of the Governor.

**H.B. 2528** failed to pass in the enrolled form, having failed to receive the necessary affirmative votes required by Article V, Section 6, of the Constitution.

The recorded vote is as follows:

YEAS--24. NAYS--16. RULE 36--0.

YEAS--Blevins, Cuccinelli, Edwards, Hanger, Houck, Hurt, Martin, McDougle, Miller, J.C., Newman, Norment, Northam, Obenshain, Quayle, Reynolds, Ruff, Smith, Stolle, Stosch, Stuart, Vogel, Wagner, Wampler, Watkins--24.

NAYS--Barker, Colgan, Deeds, Herring, Howell, Locke, Lucas, Marsh, McEachin, Miller, Y.B., Petersen, Puckett, Puller, Saslaw, Ticer, Whipple--16.

RULE 36--0.

**H.B. 2638** (two thousand six hundred thirty-eight) was returned by the Governor with the following communication:

COMMONWEALTH OF VIRGINIA

Office of the Governor

March 30, 2009

TO THE VIRGINIA HOUSE OF DELEGATES:

HOUSE BILL NO. 2638

Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 2638, which expands the capital murder statute to increase the number of offenders who would be eligible for capital punishment.

Virginia is already second in the nation in the number of executions we carry out. While the nature of the offense targeted by this legislation is very serious, I do not believe that further expansion of the death penalty is necessary to protect human life.

Accordingly, I am vetoing this bill.

/s/ Timothy M. Kaine

Governor

The reading of the communication was waived.

Senator Marsh moved that **H.B. 2638** be passed in the enrolled form, notwithstanding the objections of the Governor.

The question was put on passing **H.B. 2638** in the enrolled form, notwithstanding the objections of the Governor.

**H.B. 2638** failed to pass in the enrolled form, having failed to receive the necessary affirmative votes required by Article V, Section 6, of the Constitution.

The recorded vote is as follows:

YEAS--25. NAYS--15. RULE 36--0.

YEAS--Blevins, Cuccinelli, Deeds, Edwards, Hanger, Herring, Houck, Hurt, Martin, McDougle, Newman, Norment, Obenshain, Puckett, Quayle, Reynolds, Ruff, Smith, Stolle, Stosch, Stuart, Vogel, Wagner, Wampler, Watkins--25.

NAYS--Barker, Colgan, Howell, Locke, Lucas, Marsh, McEachin, Miller, J.C., Miller, Y.B., Northam, Petersen, Puller, Saslaw, Ticer, Whipple--15.

RULE 36--0.

### STATEMENT ON VOTE

Senator Edwards stated that he was recorded as voting yea on the question of the passage of the enrolled form of **H.B. 2638**, notwithstanding the objections of the Governor, whereas he intended to vote nay.

### LEGISLATION SIGNED BY PRESIDING OFFICER

The President of the Senate, pursuant to § 30-14.2 of the Code of Virginia, on the date recorded below, signed the following bills that had been amended in accordance with the recommendations of the Governor and reenrolled:

April 8, 2009

**H.B. 1580.** (Reenrolled.) An Act to amend and reenact §§ 33.1-23.03, 58.1-811, 58.1-2403, 58.1-2425, and 58.1-3221.3 of the Code of Virginia, to amend and reenact the fifth and sixteenth enactments of Chapter 896 of the Acts of Assembly of 2007, and to repeal Chapter 10.2 (§§ 33.1-391.6 through 33.1-391.15) of Title 33.1 and §§ 46.2-755.1, 46.2-755.2, 46.2-1167.1, 58.1-625.1, 58.1-802.1, 58.1-1724.3, 58.1-1724.5, 58.1-1724.6, 58.1-1724.7, and 58.1-2402.1 of the Code of Virginia and the sixth, fourteenth, fifteenth, and nineteenth enactments of Chapter 896 of the Acts of Assembly of 2007, relating to the Hampton Roads Transportation Authority and taxes, fees, and charges dedicated to financing its operation and programs.

**H.B. 1878.** (Reenrolled.) An Act to amend and reenact §§ 24.2-101, 24.2-115, 24.2-115.1, 24.2-404, 24.2-418, 24.2-604, and 24.2-1004 of the Code of Virginia, relating to elections; clarifications and revisions to registration and election processes; penalties.

**H.B. 1919.** (Reenrolled.) An Act to amend and reenact § 53.1-131.3 of the Code of Virginia, relating to payment of costs associated with prisoner keep.

**S.B. 848.** (Reenrolled.) An Act to amend and reenact §§ 24.2-101, 24.2-115, 24.2-115.1, 24.2-404, 24.2-418, 24.2-604, and 24.2-1004 of the Code of Virginia, relating to elections; clarifications and revisions to registration and election processes; penalties.

**S.B. 1018.** (Reenrolled.) An Act to amend and reenact §§ 33.1-23.03, 58.1-811, 58.1-2403, 58.1-2425, and 58.1-3221.3 of the Code of Virginia, to amend and reenact the fifth and sixteenth enactments of Chapter 896 of the Acts of Assembly of 2007, and to repeal Chapter 10.2 (§§ 33.1-391.6 through 33.1-391.15) of Title 33.1 and §§ 46.2-755.1, 46.2-755.2, 46.2-1167.1, 58.1-625.1, 58.1-802.1, 58.1-1724.3, 58.1-1724.5, 58.1-1724.6, 58.1-1724.7, and 58.1-2402.1 of the Code of Virginia and the sixth, fourteenth, fifteenth, and nineteenth enactments of Chapter 896 of the Acts of Assembly of 2007, relating to the Hampton Roads Transportation Authority and taxes, fees, and charges dedicated to financing its operation and programs.

**S.B. 1188.** (Reenrolled.) An Act to amend and reenact §§ 24.2-101, 24.2-115, 24.2-115.1, 24.2-404, 24.2-418, 24.2-604, and 24.2-1004 of the Code of Virginia, relating to elections; clarifications and revisions to registration and election processes; penalties.

**S.B. 1411.** (Reenrolled.) An Act to amend and reenact §§ 32.1-102.4 and 38.2-4214 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 38.2-3406.1 and 38.2-3406.2, relating to increasing the availability of basic health insurance coverage in the Commonwealth.

April 8, 2009

**H.B. 1680.** (Reenrolled.) An Act to amend and reenact § 15.2-2307 of the Code of Virginia, relating to vested rights.

**H.B. 1687.** (Reenrolled.) An Act to amend and reenact §§ 46.2-1530 and 46.2-1542 of the Code of Virginia, relating to motor vehicle buyer's orders; temporary vehicle registration.

**H.B. 1709.** (Reenrolled.) An Act to amend and reenact § 6.1-330.78 of the Code of Virginia, relating to a prohibition on certain lenders extending credit under open-end credit plans.

**H.B. 1782.** (Reenrolled.) An Act to amend and reenact § 22.1-205 of the Code of Virginia, relating to the public school standardized driver education program.

**H.B. 1788.** (Reenrolled.) An Act to amend and reenact § 15.2-2157 of the Code of Virginia, as it shall become effective, relating to regulation of septic systems.

**H.B. 1830.** (Reenrolled.) An Act to amend and reenact §§ 58.1-520 and 58.1-530 of the Code of Virginia, relating to Setoff Debt Collection Act.

**H.B. 1885.** (Reenrolled.) An Act to amend and reenact § 56-235.5 of the Code of Virginia, relating to telephone regulatory alternatives.

**H.B. 1889.** (Reenrolled.) An Act to amend and reenact §§ 60.2-602, 60.2-610, and 60.2-611 of the Code of Virginia, relating to unemployment compensation; weekly benefit amounts.

**H.B. 1899.** (Reenrolled.) An Act to amend and reenact § 8.01-343 of the Code of Virginia, relating to appointment of jury commissioners.

**H.B. 1941.** (Reenrolled.) An Act to amend and reenact § 2.2-2822 of the Code of Virginia, relating to patent and copyright policies of the Commonwealth.

**H.B. 1945.** (Reenrolled.) An Act to amend and reenact § 22.1-209.1:2 of the Code of Virginia, relating to regional alternative education programs.

**H.B. 1946.** (Reenrolled.) An Act to amend and reenact §§ 17.1-279 and 17.1-502 of the Code of Virginia, relating to case and financial management systems; interface with circuit courts.

**H.B. 1970.** (Reenrolled.) An Act to amend and reenact § 56-265.1 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 56-265.4:6, relating to the delivery of propane service by an underground distribution system.

- H.B. 2008.** (Reenrolled.) An Act to amend and reenact §§ 46.2-908.1 and 46.2-914 of the Code of Virginia, relating to operation of electric personal assistive mobility devices, electrically powered toy vehicles, electric power-assisted bicycles and mopeds.
- H.B. 2024.** (Reenrolled.) An Act to amend and reenact §§ 32.1-102.4, 38.2-4214, and 38.2-4319 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 38.2-3406.1, 38.2-3406.2, and 38.2-3541.1, relating to increasing the availability of basic health insurance coverage in the Commonwealth.
- H.B. 2037.** (Reenrolled.) An Act to amend and reenact §§ 2.2-518, 2.2-4023, 2.2-4801, 2.2-4805, 2.2-4806, 8.01-220.2, 8.01-382, and 17.1-276 of the Code of Virginia, relating to collection of debt owed the Commonwealth.
- H.B. 2056.** (Reenrolled.) An Act to amend the Code of Virginia by adding in Title 59.1 a chapter numbered 22.6, consisting of a section numbered 59.1-284.23, relating to an advanced shipbuilding training facility grant program.
- H.B. 2096.** (Reenrolled.) An Act to amend the Code of Virginia by adding a section numbered 15.2-958.3, relating to waiver of certain fees; affordable housing.
- H.B. 2098.** (Reenrolled.) An Act to amend and reenact § 58.1-3230 of the Code of Virginia, relating to real property tax; land use assessment.
- H.B. 2099.** (Reenrolled.) An Act to create the George Washington Toll Road Authority and to prescribe its powers and duties.
- H.B. 2112.** (Reenrolled.) An Act to amend and reenact §§ 22.1-209.1:2, 22.1-225, and 22.1-253.13:1 of the Code of Virginia, relating to financial literacy education.
- H.B. 2150.** (Reenrolled.) An Act to amend the Code of Virginia by adding in Article 5 of Chapter 9 of Title 15.2 a section numbered 15.2-977, relating to notice of sale under deed of trust.
- H.B. 2155.** (Reenrolled.) An Act to amend and reenact § 56-594 of the Code of Virginia, relating to electric utility service; net energy metering.
- H.B. 2159.** (Reenrolled.) An Act to amend and reenact §§ 63.2-1201, 63.2-1202, 63.2-1203, 63.2-1204, 63.2-1209, 63.2-1212, 63.2-1221, 63.2-1222, 63.2-1225, 63.2-1230, 63.2-1233, and 63.2-1250 of the Code of Virginia, relating to adoption of a child.
- H.B. 2169.** (Reenrolled.) An Act to amend and reenact §§ 2.2-4024, 46.2-2800, 46.2-2801, 46.2-2805, 46.2-2806, 46.2-2809, 46.2-2814, 46.2-2816, 46.2-2821, 46.2-2825, and 46.2-2827 of the Code of Virginia, to amend the Code of Virginia by adding sections numbered 46.2-2825.1 through 46.2-2825.4, and to repeal §§ 46.2-2810, 46.2-2818, and 46.2-2824 of the Code of Virginia, relating to the Board of Towing and Recovery Operators.
- H.B. 2172.** (Reenrolled.) An Act to amend and reenact §§ 56-15, 56-17, and 56-259 of the Code of Virginia and to amend the Code of Virginia by adding in Title 67 a chapter numbered 11, consisting of sections numbered 67-1100 through 67-1110, relating to the location of facilities for the distribution of electricity and steam generated from renewable energy sources and of landfill gas.



- H.B. 2175.** (Reenrolled.) An Act to amend and reenact §§ 56-46.1 and 56-580 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 11.1 of Title 10.1 an article numbered 5, consisting of sections numbered 10.1-1197.5 through 10.1-1197.11, relating to permits for certain renewable energy projects; penalty.
- H.B. 2197.** (Reenrolled.) An Act to amend and reenact § 24.2-649 of the Code of Virginia, relating to elections; assistance for certain voters.
- H.B. 2201.** (Reenrolled.) An Act to amend and reenact §§ 2.2-225, 2.2-225.1, 2.2-2218 through 2.2-2221, 2.2-2233.1, 2.2-3705.6, 2.2-3711, and 23-4.4 of the Code of Virginia and to repeal §§ 2.2-2513 through 2.2-2517 of the Code of Virginia, relating to oversight of research and development in the Commonwealth.
- H.B. 2258.** (Reenrolled.) An Act to amend the Code of Virginia by adding in Article 3 of Chapter 28 of Title 54.1 a section numbered 54.1-2818.4, relating to exemption from liability for routine organ and tissue donation; funeral homes.
- H.B. 2285.** (Reenrolled.) An Act to amend and reenact § 30-133 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 2.2-1115.1, relating to duties of the Auditor of Public Accounts; budget transparency provisions.
- H.B. 2300.** (Reenrolled.) An Act to amend and reenact §§ 2.2-212, 2.2-213, 2.2-214, 2.2-223, 2.2-507, 2.2-704, 2.2-705, 2.2-1839, 2.2-2001.1, 2.2-2411, 2.2-2648, 2.2-2664, 2.2-2691, 2.2-2692, 2.2-2694, 2.2-2696, 2.2-2818, 2.2-2905, 2.2-3705.5, 2.2-4344, 2.2-5201, 2.2-5206, 2.2-5300, 4.1-305, 9.1-111, 9.1-901, 15.2-2291, 15.2-5386, 16.1-275, 16.1-278.8, 16.1-278.8:01, 16.1-280, 16.1-293.1, 16.1-336, 16.1-345, 16.1-356, 16.1-357, 16.1-361, 18.2-73, 18.2-74, 18.2-251, 18.2-251.01, 18.2-252, 18.2-254, 18.2-254.1, 18.2-258.1, 18.2-271.2, 18.2-308.1:1, 18.2-308.2:2, 19.2-169.1, 19.2-169.2, 19.2-169.3, 19.2-169.5, 19.2-175, 19.2-182.2, 19.2-182.13, 19.2-182.16, 19.2-264.3:1, 19.2-264.3:1.1, 19.2-264.3:1.2, 19.2-301, 19.2-302, 19.2-389, 19.2-390, as it is currently effective and as it shall become effective, 20-88, 22.1-7, 22.1-205, 22.1-209.2, 22.1-214.2, 22.1-214.3, 22.1-215, 22.1-217.1, 22.1-272.1, 23-38.2, 25.1-100, 29.1-313, 32.1-45.1, 32.1-64.1, 32.1-73.7, 32.1-102.1, 32.1-122.5, 32.1-124, 32.1-125.1, 32.1-127.1:03, 32.1-127.1:04, 32.1-135.2, 32.1-276.3, 32.1-276.8, 32.1-283, 32.1-283.1, 32.1-283.5, 32.1-325, 32.1-351.2, 37.2-100, 37.2-200, 37.2-300, 37.2-316, 37.2-317, 37.2-318, 37.2-319, 37.2-423, 37.2-716, 37.2-900, 37.2-900.1, 37.2-909, 37.2-912, 37.2-919, 37.2-1101, 38.2-3412.1, 38.2-3418.5, 46.2-400, 46.2-401, 46.2-1229, 51.5-1, 51.5-2, 51.5-14, 51.5-14.1, 51.5-31, 51.5-39.2, 51.5-39.7, 51.5-39.12, 53.1-32, 53.1-40.2, 53.1-136, 53.1-145, 54.1-2715, 54.1-2726, 54.1-2970, 54.1-2987.1, 54.1-3408, 54.1-3408.01, 54.1-3437.1, 54.1-3506, 56-484.19, 57-2.02, 57-60, 63.2-100, 63.2-1503, 63.2-1528, 63.2-1709, 63.2-1726, 63.2-1735, and 63.2-1805 of the Code of Virginia, relating to changing the name of the Department, Board, Inspector General, and Commissioner of Mental Health, Mental Retardation and Substance Abuse Services.
- H.B. 2311.** (Reenrolled.) An Act to amend and reenact § 17.1-281 of the Code of Virginia, relating to assessment for courthouse construction, renovation, or maintenance.
- H.B. 2366.** (Reenrolled.) An Act to amend and reenact §§ 16, 18, and 19, as severally amended, of Chapter 69 of the Acts of Assembly of 1922, which provided a charter for the Town of Strasburg, relating to council and town officers.
- H.B. 2371.** (Reenrolled.) An Act to direct the State Corporation Commission to conduct a proceeding relating to pilot programs under which certain customers that generate renewable energy may purchase electric power from, and sell electric power to, participating utilities.

- H.B. 2400.** (Reenrolled.) An Act to require a coordinated, multidisciplinary response to criminal sexual assault.
- H.B. 2423.** (Reenrolled.) An Act to amend the Code of Virginia by adding in Chapter 26 of Title 2.2 an article numbered 34, consisting of sections numbered 2.2-2699.3 and 2.2-2699.4, relating to the Broadband Advisory Council.
- H.B. 2432.** (Reenrolled.) An Act to amend and reenact §§ 54.1-500, 54.1-500.1, 54.1-501, 54.1-503, 54.1-512, 54.1-516, and 54.1-517 of the Code of Virginia, relating to the Department of Professional and Occupational Regulation; Board for Asbestos, Lead, and Home Inspectors; regulation of lead renovation, repair, and painting.
- H.B. 2433.** (Reenrolled.) An Act to amend and reenact § 2 of Chapter 471 of the Acts of Assembly of 1964, as amended by Chapter 87 of the Acts of Assembly of 2002 and Chapter 658 of the Acts of Assembly of 2008, relating to Eastern Virginia Medical School.
- H.B. 2437.** (Reenrolled.) An Act to amend and reenact § 58.1-408 of the Code of Virginia and to amend the Code of Virginia by adding in Article 10 of Chapter 3 of Title 58.1 a section numbered 58.1-422, relating to corporate income tax; apportionment of income for manufacturers.
- H.B. 2479.** (Reenrolled.) An Act to amend and reenact § 58.1-3221.3 of the Code of Virginia, relating to real property tax rate; commercial property in Northern Virginia.
- H.B. 2491.** (Reenrolled.) An Act to amend and reenact § 2.01, as amended, § 2.02, § 3.01, as amended, § 3.02, §§ 3.03, 3.05, and 3.06, as severally amended, §§ 3.07, 4.02, and 4.03, §§ 5.02 and 5.03, as severally amended, §§ 5.04 and 9.01, § 14.01, as amended, and §§ 15.01, 15.02, 16.01, 17.01, 17.02, 17.03, 18.01, 20.01, 20.02, 21.01, 21.03 through 21.07, 21.13, and 21.14 of Chapter 562 of the Acts of Assembly of 1954, which provided a charter for the City of Galax, and to repeal §§ 6.01 through 6.10, 8.01, 10.01, 13.01, 15.03, and 21.11 of Chapter 562 of the Acts of Assembly of 1954, relating to city powers.
- H.B. 2506.** (Reenrolled.) An Act to amend and reenact §§ 56-576, 56-585.1, and 56-585.3 of the Code of Virginia, relating to base rates of return for certain types of electrical generation.
- H.B. 2517.** (Reenrolled.) An Act to amend and reenact § 22.1-253.13:3 of the Code of Virginia, relating to industry certification and state licensure examinations.
- H.B. 2539.** (Reenrolled.) An Act to amend and reenact §§ 2.2-2005, 2.2-2457, and 2.2-2458 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 20.1 of Title 2.2 an article numbered 7, consisting of sections 2.2-2033 and 2.2-2034, relating to oversight of information technology and applications in the Commonwealth; Information Technology Investment Board; Chief Information Officer.
- H.B. 2549.** (Reenrolled.) An Act to amend and reenact §§ 2.2-3705.7, 2.2-3711, 23-9.2:3.03, 23-38.76, 23-38.77, 23-38.79, 23-38.80, 23-38.87, and 23-38.88 of the Code of Virginia, and to amend the Code of Virginia by adding a section numbered 23-38.79:1, and by adding in Chapter 4.9 of Title 23 a section numbered 23-38.87:1, relating to the Virginia College Savings Plan.
- H.B. 2596.** (Reenrolled.) An Act to amend and reenact § 3 of Chapter 2 of the Acts of Assembly of 1966, as amended by Chapter 21 of the Acts of Assembly, Extra Session, of 1969, Chapter 590 of the Acts of Assembly of 1970, Chapter 571 of the Acts of Assembly of 1972, Chapter 508 of the Acts of Assembly of 1973, Chapter 576 of the Acts of Assembly of 1974, Chapter 592 of the Acts of

Assembly of 1977, Chapter 378 of the Acts of Assembly of 1981, Chapter 610 of the Acts of Assembly of 1984, Chapter 112 of the Acts of Assembly of 1987, Chapter 150 of the Acts of Assembly of 1995, and Chapter 736 of the Acts of Assembly of 1997, relating to the Washington Metropolitan Area Transit Authority; finance and governance.

**H.B. 2646.** (Reenrolled.) An Act to amend and reenact §§ 32.1-163 and 32.1-166.6 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 32.1-164.1:2, relating to the establishment of a betterment loan program.

April 8, 2009

**S.B. 855.** (Reenrolled.) An Act to amend and reenact §§ 6.1-125.15:1, 37.2-1009, 37.2-1020, 37.2-1023, 55-34.7, 55-544.01, 55-544.02, and 55-546.02 of the Code of Virginia; to amend the Code of Virginia by adding in Title 26 a chapter numbered 7, consisting of sections numbered 26-71.01 through 26-74.02; and to repeal §§ 11-9.1 through 11-9.7 and 37.2-1018 of the Code of Virginia, relating to the Uniform Power of Attorney Act.

**S.B. 883.** (Reenrolled.) An Act to amend and reenact § 1, as amended, of Chapter 446 of the Acts of Assembly of 1948, which provided a charter for the Town of Warsaw, relating to election of town council members.

**S.B. 941.** (Reenrolled.) An Act to designate the U.S. Route 360 (Patrick Henry Highway) bridge over U.S. Route 360 Business (Goodes Bridge Road) in Amelia County the “SSG Jason R. Arnette (U.S.A.) Memorial Bridge.”

**S.B. 944.** (Reenrolled.) An Act to amend and reenact § 58.1-609.10 of the Code of Virginia, relating to sales and use tax; exemption.

**S.B. 949.** (Reenrolled.) An Act to amend and reenact §§ 32.1-292.2, 32.1-297.1, 46.2-342, and 58.1-344.3 of the Code of Virginia, relating to the Virginia Donor Registry.

**S.B. 974.** (Reenrolled.) An Act to amend and reenact § 46.2-916.3 of the Code of Virginia, relating to operation of golf carts on the highways.

**S.B. 1021.** (Reenrolled.) An Act to amend and reenact § 58.1-608.3 of the Code of Virginia, relating to entitlement to certain sales tax revenues.

**S.B. 1032.** (Reenrolled.) An Act to amend and reenact § 54.1-3042 of the Code of Virginia, relating to medication aide training programs, to delay enforcement of § 54.1-3041 relating to registration of medication aides, and to temporarily amend the provisions of subsection L of § 54.1-3408.

**S.B. 1083.** (Reenrolled.) An Act to amend and reenact §§ 19.2-182.9, 37.2-808, 37.2-815, 37.2-816, 37.2-817, and 37.2-819 of the Code of Virginia, relating to mental health law revisions.

**S.B. 1116.** (Reenrolled.) An Act to amend and reenact § 38.2-4319 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 38.2-3418.15, relating to health insurance coverage for prosthetic devices and components.

**S.B. 1117.** (Reenrolled.) An Act to amend and reenact §§ 2.2-212, 2.2-213, 2.2-214, 2.2-223, 2.2-507, 2.2-704, 2.2-705, 2.2-1839, 2.2-2001.1, 2.2-2411, 2.2-2648, 2.2-2664, 2.2-2691, 2.2-2692, 2.2-2694, 2.2-2696, 2.2-2818, 2.2-2905, 2.2-3705.5, 2.2-4344, 2.2-5201, 2.2-5206, 2.2-5300, 4.1-305, 9.1-111, 9.1-901, 15.2-2291, 15.2-5386, 16.1-275, 16.1-278.8, 16.1-278.8:01, 16.1-280, 16.1-293.1, 16.1-336, 16.1-345, 16.1-356, 16.1-357, 16.1-361, 18.2-73, 18.2-74, 18.2-251,

18.2-251.01, 18.2-252, 18.2-254, 18.2-254.1, 18.2-258.1, 18.2-271.2, 18.2-308.1:1, 18.2-308.2:2, 19.2-169.1, 19.2-169.2, 19.2-169.3, 19.2-169.5, 19.2-175, 19.2-182.2, 19.2-182.13, 19.2-182.16, 19.2-264.3:1, 19.2-264.3:1.1, 19.2-264.3:1.2, 19.2-301, 19.2-302, 19.2-389, 19.2-390, as it is currently effective and as it shall become effective, 20-88, 22.1-7, 22.1-205, 22.1-209.2, 22.1-214.2, 22.1-214.3, 22.1-215, 22.1-217.1, 22.1-272.1, 23-38.2, 25.1-100, 29.1-313, 32.1-45.1, 32.1-64.1, 32.1-73.7, 32.1-102.1, 32.1-122.5, 32.1-124, 32.1-125.1, 32.1-127.1:03, 32.1-127.1:04, 32.1-135.2, 32.1-276.3, 32.1-276.8, 32.1-283, 32.1-283.1, 32.1-283.5, 32.1-325, 32.1-351.2, 37.2-100, 37.2-200, 37.2-300, 37.2-316, 37.2-317, 37.2-318, 37.2-319, 37.2-423, 37.2-716, 37.2-900, 37.2-900.1, 37.2-909, 37.2-912, 37.2-919, 37.2-1101, 38.2-3412.1, 38.2-3418.5, 46.2-400, 46.2-401, 46.2-1229, 51.5-1, 51.5-2, 51.5-14, 51.5-14.1, 51.5-31, 51.5-39.2, 51.5-39.7, 51.5-39.12, 53.1-32, 53.1-40.2, 53.1-136, 53.1-145, 54.1-2715, 54.1-2726, 54.1-2970, 54.1-2987.1, 54.1-3408, 54.1-3408.01, 54.1-3437.1, 54.1-3506, 56-484.19, 57-2.02, 57-60, 63.2-100, 63.2-1503, 63.2-1528, 63.2-1709, 63.2-1726, 63.2-1735, and 63.2-1805 of the Code of Virginia, relating to changing the name of the Department, Board, Inspector General, and Commissioner of Mental Health, Mental Retardation and Substance Abuse Services.

**S.B. 1174.** (Reenrolled.) An Act to amend and reenact § 2.2-2822 of the Code of Virginia, relating to patent and copyright policies of the Commonwealth.

**S.B. 1199.** (Reenrolled.) An Act to amend and reenact § 53.1-131.3 of the Code of Virginia, relating to payment of costs associated with prisoner keep.

**S.B. 1200.** (Reenrolled.) An Act to amend and reenact § 46.2-752 of the Code of Virginia, relating to local vehicle license taxes and fees; vehicles owned by veterans or their surviving spouses.

**S.B. 1249.** (Reenrolled.) An Act to amend and reenact § 2 of Chapter 471 of the Acts of Assembly of 1964, as amended by Chapter 87 of the Acts of Assembly of 2002 and Chapter 658 of the Acts of Assembly of 2008, relating to Eastern Virginia Medical School.

**S.B. 1251.** (Reenrolled.) An Act to amend and reenact §§ 2.2-3705.7, 2.2-3711, 23-9.2:3.03, 23-38.76, 23-38.77, 23-38.79, 23-38.80, 23-38.87, and 23-38.88 of the Code of Virginia, and to amend the Code of Virginia by adding a section numbered 23-38.79:1, and by adding in Chapter 4.9 of Title 23 a section numbered 23-38.87:1, relating to the Virginia College Savings Plan.

**S.B. 1276.** (Reenrolled.) An Act to amend and reenact § 15.2-2157 of the Code of Virginia, as it shall become effective, relating to regulation of septic systems.

**S.B. 1302.** (Reenrolled.) An Act to amend and reenact §§ 2.2-511, 3.2-4212, 18.2-246.11, 18.2-246.13, 18.2-246.15, 18.2-513, and 18.2-514 of the Code of Virginia and to amend the Code of Virginia by adding in Article 3 of Chapter 42 of Title 3.2 a section numbered 3.2-4219 and by adding sections numbered 19.2-245.01 and 58.1-1008.2, relating to the Master Settlement Agreement; criminal enforcement activities; penalty.

**S.B. 1307.** (Reenrolled.) An Act to amend and reenact § 19.2-108 of the Code of Virginia, relating to transport of prisoners; fugitives from the Commonwealth.

**S.B. 1318.** (Reenrolled.) An Act to amend and reenact §§ 2.2-3800, 2.2-3801, as it is currently effective and as it shall become effective, and 2.2-3808, as it is currently effective and as it shall become effective, of the Code of Virginia and to amend and reenact the second and fourth enactments of Chapters 840 and 843 of the Acts of Assembly of 2008, relating to the Government Data Collection and Dissemination Practices Act; collection of social security numbers.

- S.B. 1321.** (Reenrolled.) An Act to amend the Code of Virginia by adding in Title 59.1 a chapter numbered 22.6, consisting of a section numbered 59.1-284.23, relating to an advanced shipbuilding training facility grant program.
- S.B. 1325.** (Reenrolled.) An Act to amend and reenact §§ 58.1-439.18, 58.1-439.20, 58.1-439.21, 58.1-439.22, and 58.1-439.24 of the Code of Virginia and to repeal Chapter 20 (§ 63.2-2002) of Title 63.2 of the Code of Virginia, relating to the Neighborhood Assistance Act tax credit program.
- S.B. 1336.** (Reenrolled.) An Act to amend the Code of Virginia by adding in Chapter 26 of Title 2.2 an article numbered 34, consisting of sections numbered 2.2-2699.3 and 2.2-2699.4, relating to the Broadband Advisory Council.
- S.B. 1338.** (Reenrolled.) An Act to amend and reenact §§ 2.2-2233.1, 2.2-2515, 2.2-2516, and 58.1-339.4 of the Code of Virginia, relating to promotion of science and technology-based research, development, and commercialization in the Commonwealth.
- S.B. 1347.** (Reenrolled.) An Act to amend and reenact §§ 56-46.1 and 56-580 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 11.1 of Title 10.1 an article numbered 5, consisting of sections numbered 10.1-1197.5 through 10.1-1197.11, relating to permits for certain renewable energy projects; penalty.
- S.B. 1348.** (Reenrolled.) An Act to amend the Code of Virginia by adding a section numbered 10.1-1307.02 and to direct the State Corporation Commission to conduct a proceeding to determine appropriate energy conservation and demand response targets that can realistically be accomplished through demand-side management portfolios and other energy conservation, energy efficiency, and demand-side management programs to be administered by generating electric utilities, and directing the Air Pollution Control Board to adopt regulations providing exemptions to certain air quality requirements.
- S.B. 1361.** (Reenrolled.) An Act to amend and reenact §§ 10.1-107 and 10.1-202 of the Code of Virginia, relating to transferring moneys from the State Park Operated Concessions Fund to the State Park Conservation Resources Fund.
- S.B. 1387.** (Reenrolled.) An Act to amend and reenact § 17.1-281 of the Code of Virginia, relating to assessment for courthouse construction, renovation, or maintenance.
- S.B. 1442.** (Reenrolled.) An Act to amend and reenact §§ 17.1-279 and 17.1-502 of the Code of Virginia, relating to case and financial management systems; interface with circuit courts.
- S.B. 1453.** (Reenrolled.) An Act to amend and reenact § 2.2-2101 of the Code of Virginia, as it is currently effective and as it shall become effective, to amend the Code of Virginia by adding in Title 30 a chapter numbered 47, consisting of sections numbered 30-309 through 30-314, and to repeal Article 1.3 (§§ 22.1-212.17 through 22.1-212.22) of Chapter 13 of Title 22.1 of the Code of Virginia, relating to the Commission on Civics Education; report.
- S.B. 1470.** (Reenrolled.) An Act to amend and reenact § 6.1-330.78 of the Code of Virginia, relating to a prohibition on certain lenders extending credit under open-end credit plans.
- S.B. 1471.** (Reenrolled.) An Act to amend and reenact § 15.2-5146 of the Code of Virginia, relating to the Commonwealth's title in certain real property.

**S.B. 1525.** (Reenrolled.) An Act to amend and reenact § 2.2-3109 of the Code of Virginia, relating to State and Local Conflict of Interests Act; prohibited contracts.

**S.B. 1535.** (Reenrolled.) An Act to amend and reenact § 15.2-4207 of the Code of Virginia, relating to planning district commissions.

### HOUSE COMMUNICATION

The following communication was received and read:

In the House of Delegates

April 8, 2009

THE HOUSE OF DELEGATES HAS REFUSED TO AMEND IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE GOVERNOR THE FOLLOWING SENATE BILLS:

**S.B. 1046.** An Act to amend and reenact §§ 46.2-323, 46.2-328.1, 46.2-330, 46.2-341.12, 46.2-341.15, 46.2-342, 46.2-343, 46.2-344, and 46.2-345 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 46.2-323.01, relating to implementation of the federal REAL ID Act.

**S.B. 1248.** An Act to amend and reenact §§ 56-576, 56-585.1, and 56-585.3 of the Code of Virginia, relating to base rates of return for certain types of electrical generation.

**S.B. 1339.** An Act to amend and reenact §§ 56-585.2 and 56-594 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 56-234.2:1, relating to the regulation of electric utilities in the Commonwealth.

**S.B. 1495.** An Act to amend and reenact §§ 60.2-528 and 60.2-618 of the Code of Virginia, relating to unemployment compensation; voluntarily leaving employment to accompany military spouse.

**S.B. 1547.** An Act to amend and reenact § 23-7.1:02 of the Code of Virginia, relating to eligibility for state financial aid programs.

THE HOUSE OF DELEGATES HAS AGREED TO AMENDMENT NO. 4 IN ACCORDANCE WITH THE RECOMMENDATION OF THE GOVERNOR AND HAS REJECTED AMENDMENTS NOS. 1 THROUGH 3 TO THE FOLLOWING SENATE BILLS:

**S.B. 848.** An Act to amend and reenact §§ 24.2-101, 24.2-115, 24.2-115.1, 24.2-404, 24.2-418, 24.2-604, and 24.2-1004 of the Code of Virginia, relating to elections; clarifications and revisions to registration and election processes; penalties.

**S.B. 1188.** An Act to amend and reenact §§ 24.2-101, 24.2-115, 24.2-115.1, 24.2-404, 24.2-418, 24.2-604, and 24.2-1004 of the Code of Virginia, relating to elections; clarifications and revisions to registration and election processes; penalties.

THE HOUSE OF DELEGATES HAS AGREED TO AMENDMENTS NOS. 1 THROUGH 5 IN ACCORDANCE WITH THE RECOMMENDATION OF THE GOVERNOR TO THE FOLLOWING SENATE BILL:

**S.B. 1018.** An Act to amend and reenact §§ 33.1-23.03, 58.1-811, 58.1-2403, 58.1-2425, and 58.1-3221.3 of the Code of Virginia, to amend and reenact the fifth and sixteenth enactments of Chapter 896 of the Acts of Assembly of 2007, and to repeal Chapter 10.2 (§§ 33.1-391.6 through 33.1-391.15) of Title 33.1 and §§ 46.2-755.1, 46.2-755.2, 46.2-1167.1, 58.1-625.1, 58.1-802.1, 58.1-1724.3, 58.1-1724.5, 58.1-1724.6, 58.1-1724.7, and 58.1-2402.1 of the Code of Virginia and the sixth, fourteenth, fifteenth, and nineteenth enactments of Chapter 896 of the Acts of Assembly of 2007, relating to the Hampton Roads Transportation Authority and taxes, fees, and charges dedicated to financing its operation and programs.

THE HOUSE OF DELEGATES HAS AGREED TO AMENDMENTS NOS. 1 THROUGH 4, 8 THROUGH 11, AND 13 IN ACCORDANCE WITH THE RECOMMENDATION OF THE GOVERNOR TO THE FOLLOWING SENATE BILL:

**S.B. 1411.** An Act to amend and reenact §§ 32.1-102.4 and 38.2-4214 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 38.2-3406.1 and 38.2-3406.2, relating to increasing the availability of basic health insurance coverage in the Commonwealth.

THE HOUSE OF DELEGATES HAS RULED AS NOT GERMANE THE RECOMMENDATION OF THE GOVERNOR TO THE FOLLOWING SENATE BILL:

**S.B. 1070.** An Act to amend and reenact §§ 24.2-700, 24.2-701, and 24.2-706 of the Code of Virginia, relating to the absentee voting process; first responders.

THE HOUSE OF DELEGATES HAS PASSED NOTWITHSTANDING THE OBJECTIONS OF THE GOVERNOR THE FOLLOWING SENATE BILLS:

**S.B. 877.** An Act to amend and reenact § 18.2-308 of the Code of Virginia, relating to carrying concealed weapons; retired law-enforcement officers.

**S.B. 1528.** An Act to amend and reenact § 18.2-308 of the Code of Virginia, relating to concealed weapon permits; training.

THE HOUSE OF DELEGATES HAS AMENDED IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE GOVERNOR THE FOLLOWING SENATE BILLS:

**S.B. 855.** An Act to amend and reenact §§ 6.1-125.15:1, 37.2-1009, 37.2-1020, 37.2-1023, 55-34.7, 55-544.01, 55-544.02, and 55-546.02 of the Code of Virginia; to amend the Code of Virginia by adding in Title 26 a chapter numbered 7, consisting of sections numbered 26-71.01 through 26-74.02; and to repeal §§ 11-9.1 through 11-9.7 and 37.2-1018 of the Code of Virginia, relating to the Uniform Power of Attorney Act.

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**S.B. 941.** An Act to designate the U.S. Route 360 (Patrick Henry Highway) bridge over U.S. Route 360 Business (Goodes Bridge Road) in Amelia County the "Staff Sergeant Jason R. Arnette Memorial Bridge."

**S.B. 944.** An Act to amend and reenact § 58.1-609.10 of the Code of Virginia, relating to sales and use tax; exemption.

- S.B. 949.** An Act to amend and reenact §§ 32.1-292.2, 32.1-297.1, 46.2-342, and 58.1-344.3 of the Code of Virginia, relating to the Virginia Donor Registry.
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- S.B. 1387.** An Act to amend and reenact § 17.1-281 of the Code of Virginia, relating to assessment for courthouse construction, renovation, or maintenance.
- S.B. 1442.** An Act to amend and reenact §§ 17.1-279, 17.1-293, and 17.1-502 of the Code of Virginia, relating to statewide case and financial management systems; interface with circuit courts.
- S.B. 1453.** An Act to amend and reenact § 2.2-2101 of the Code of Virginia, as it is currently effective and as it shall become effective, to amend the Code of Virginia by adding in Title 30 a chapter numbered 47, consisting of sections numbered 30-309 through 30-314, and to repeal Article 1.3 (§§ 22.1-212.17 through 22.1-212.22) of Chapter 13 of Title 22.1 of the Code of Virginia, relating to the Commission on Civics Education; report.
- S.B. 1470.** An Act to amend and reenact § 6.1-330.78 of the Code of Virginia, relating to a prohibition on certain lenders extending credit under open-end credit plans.
- S.B. 1471.** An Act to amend and reenact § 15.2-5146 of the Code of Virginia, relating to the Commonwealth's title in certain real property.
- S.B. 1525.** An Act to amend and reenact § 2.2-3109 of the Code of Virginia, relating to State and Local Conflict of Interests Act; prohibited contracts.
- S.B. 1535.** An Act to amend and reenact § 15.2-4207 of the Code of Virginia, relating to planning district commissions.

/s/ Bruce F. Jamerson  
Clerk, House of Delegates

**ADJOURNMENT SINE DIE  
MESSAGE FROM THE HOUSE**

A message was received from the House of Delegates by Delegate Griffith, who informed the Senate that the House had agreed to **H.J.R. 1049** (one thousand forty-nine), as follows; in which it requested the concurrence of the Senate:

HOUSE JOINT RESOLUTION NO. 1049

Adjournment Sine Die.

WHEREAS, the House of Delegates and the Senate are ready to adjourn sine die; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That a committee of eight on the part of the House of Delegates and six on the part of the Senate, be appointed to inform the Governor that the Reconvened Session of the 2009 General Assembly is ready to adjourn sine die and to inquire if he has any communication to make.

**H.J.R. 1049**, being of a purely procedural nature, was taken up for immediate consideration and agreed to.

Senator Saslaw was ordered to inform the House of Delegates thereof.

The President appointed Senators Colgan, Saslaw, Whipple, Norment, Stolle, and Newman, the committee on the part of the Senate to inform the Governor that the General Assembly was ready to adjourn sine die.

Subsequently, Senator Colgan, from the committee to inform the Governor that the General Assembly was ready to adjourn sine die, reported that the committee had performed that duty.

#### MESSAGE FROM THE HOUSE

A message was received from the House of Delegates by Delegate Griffith, who informed the Senate that the House was ready on its part to adjourn sine die.

Senator Saslaw was ordered to inform the House of Delegates that the Senate was ready on its part to adjourn sine die.

Senator Colgan moved that the Senate adjourn sine die.

The motion was agreed to.

The President declared the Senate adjourned sine die.

#### COMMUNICATION FROM THE GOVERNOR SUBSEQUENT TO ADJOURNMENT SINE DIE

#### SENATE BILL VETOED BY GOVERNOR

**S.B. 1248** (one thousand two hundred forty-eight), subsequent to adjournment sine die of the Reconvened Session of the 2009 Regular Session, was returned by the Governor with the following communication:

COMMONWEALTH OF VIRGINIA

Office of the Governor

May 5, 2009

TO THE SENATE OF VIRGINIA:

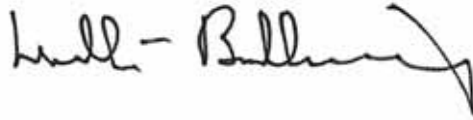
SENATE BILL NO. 1248

Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto Senate Bill 1248, which would make certain changes to electricity regulation in Virginia.

At the reconvened session, I proposed amendments to this bill, which were approved by the Senate, but not by the House of Delegates. The failure to adopt the amendment leaves an important provision in SB 1248 in conflict with another energy efficiency bill passed this year.

Accordingly, I veto Senate Bill 1248.

/s/ Timothy M. Kaine  
Governor

A handwritten signature in black ink, appearing to read "William T. Bolling". The signature is written in a cursive style with a long, sweeping tail on the final letter.

William T. Bolling  
President of the Senate

A handwritten signature in black ink, appearing to read "Susan Clarke Schaar". The signature is written in a cursive style with a large, prominent initial 'S'.

Susan Clarke Schaar  
Clerk of the Senate