

Legislative Report
University of Virginia -- Office of State Governmental Relations
January 26, 2010

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HB32 Concealed handguns; possession by faculty members at state institutions of higher education.

Chief Patron: Marshall, R.G.

Summary:

Allows full-time faculty members of state institutions of higher education who possess a valid Virginia concealed handgun permit to carry a concealed handgun on campus.

Status:

12/18/09 House: Prefiled and ordered printed; offered 01/13/10 10100650D

12/18/09 House: Referred to Committee on Militia, Police and Public Safety

HB34 Health insurance; mandated coverage for autism spectrum disorder.

Chief Patron: Marshall, R.G.

Summary:

Requires health insurers, health care subscription plans, and health maintenance organizations to provide coverage for the diagnosis and treatment of autism spectrum disorder in individuals under age 21.

Status:

12/18/09 House: Prefiled and ordered printed; offered 01/13/10 10100553D

12/18/09 House: Referred to Committee on Commerce and Labor

01/15/10 House: Assigned C & L sub: #1

HB35 Inpatient and outpatient surgical complications; physician to report to Board.

Chief Patron: Marshall, R.G.

Summary:

Requires any physician, regardless of whether he performed the surgical procedure, who treats a patient experiencing complications from an inpatient or outpatient surgical procedure, which occur within 60 days of the performance of the procedure to report to the Board on such complications in accordance with the Board's regulations.

Status:

12/18/09 House: Prefiled and ordered printed; offered 01/13/10 10100617D

12/18/09 House: Referred to Committee on Health, Welfare and Institutions

01/20/10 House: Assigned HWI sub: #4

HB85 Umbilical cord blood education; posting of information on VDH's website, informed consent forms.

Chief Patron: Marshall, R.G.

Summary:

Requires the Commissioner of Health to develop and post to the Department of Health's website certain information relating to umbilical cord blood. Also, requires the Commissioner to develop an informed consent document to be signed by expectant mothers regarding donation or disposal of cord blood, and requires every licensed practitioner who renders prenatal care to present his patients with this information and obtain such written consent.

Status:

01/04/10 House: Prefiled and ordered printed; offered 01/13/10 10100545D

01/04/10 House: Referred to Committee on Health, Welfare and Institutions
01/14/10 House: Impact statement from DPB (HB85)
01/15/10 House: Assigned HWI sub: #1
01/21/10 House: Subcommittee recommends reporting with amendment(s) (7-Y 0-N)

HB87 Medical incident compensation; penalties.

Chief Patron: Marshall, R.G.

Summary:

Establishes a system for determining the liability of physicians and hospitals for medical injury caused by an unintended or unexpected adverse consequence or unanticipated outcome of (i) health care rendered or provided to the patient or (ii) the failure of a health care provider to render or provide health care to the patient. This system is the exclusive remedy for covered injuries; however, civil actions are permitted against a health care provider where there is clear and convincing evidence that the health care provider intentionally or willfully caused or intended to cause an injury. A claimant need not establish that the health care provider's negligence or breach of contract caused the injury. A claimant whose injury is found to be covered by the measure is eligible to be compensated for (i) expenses of medical and hospital, rehabilitative, therapeutic, nursing, attendant, residential, and custodial care; (ii) loss of earnings for the period that the claimant is unable to perform the functions of any job for which he was reasonably qualified at the date of the medical incident, based on his training and experience at a rate equal to the statewide average weekly wage; (iii) permanent loss or disfigurement as provided in the Workers' Compensation Act; (iv) if the injury is fatal, burial expenses and a death benefit not to exceed \$100,000; (v) vocational rehabilitation services; and (vi) reasonable expenses, including reasonable attorney fees. Total awards are subject to the limit currently applicable in medical malpractice actions. Determinations of liability and damages will be made by a three-member Medical Injury Compensation Board. Claims will be reviewed by a panel of three qualified and impartial physicians drawn from a specialty appropriate to the facts of a particular case, whose members are selected by the deans of the schools of medicine of the Eastern Virginia Medical School, University of Virginia School of Medicine, and Medical College of Virginia of Virginia Commonwealth University, which panel will prepare a report regarding whether the claimant's medical injury does or does not satisfy the criteria of a covered injury. Health care providers are required to insure the payment of compensation to injured patients through a policy of medical incident insurance. Failure to insure is punishable by civil and criminal penalties. The expenses of the Board will be paid from an administrative fund maintained by a premium tax levied on liability insurance carriers. An Uninsured Providers' Fund is established to pay awards against uninsured health care providers. The measure applies to all claims for covered injuries occurring in this Commonwealth on and after July 1, 2012.

Status:

01/04/10 House: Prefiled and ordered printed; offered 01/13/10 10100492D
01/04/10 House: Referred to Committee on Commerce and Labor
01/19/10 House: Referred from Commerce and Labor
01/19/10 House: Referred to Committee for Courts of Justice

HB135 Budget process; changes from biennial budget to a budget covering a single fiscal year.

Chief Patron: Pollard

Summary:

Changes the Commonwealth's budget from a biennial budget to a budget covering a single fiscal year beginning with

the budget for the period July 1, 2012, through June 30, 2013. The bill also provides that if a general appropriation act is not passed by the General Assembly within the time frame allowed for the conducting of business in a regular session of the General Assembly, as such time frame is initially adopted by the General Assembly, then General Assembly members would no longer receive a per diem subsequent to such time frame in a regular or special session of the General Assembly held in the same calendar year, until such time as the General Assembly passes a general appropriation act.

Status:

01/05/10 House: Prefiled and ordered printed; offered 01/13/10 10100563D

01/05/10 House: Referred to Committee on Appropriations

01/19/10 House: Assigned App. sub: Technology Oversight and Government Activities

01/21/10 House: Impact statement from DPB (HB135)

HB152 Electronic security employees; those with valid permits may carry concealed handguns.

Chief Patron: O'Bannon

Summary:

Allows licensed electronic security employees who have a valid concealed handgun permit and who may lawfully carry a handgun to carry a concealed handgun for personal protection during business hours, so long as the employee does not represent that he is carrying the handgun in the course of his employment.

Status:

01/05/10 House: Introduced by request

01/05/10 House: Prefiled and ordered printed; offered 01/13/10 10100734D

01/05/10 House: Referred to Committee on Militia, Police and Public Safety

HB155 Stormwater management programs; delays for two years DCR's regulations governing.

Chief Patron: Dance

Summary:

Delays for two years the Department of Conservation and Recreation's regulations governing the stormwater management program that were to be implemented on July 1, 2010.

Status:

01/05/10 House: Prefiled and ordered printed; offered 01/13/10 10101674D

01/05/10 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources

01/20/10 House: Assigned ACNRsub: #2 Natural Resources

01/21/10 House: Impact statement from DPB (HB155)

HB171 Firearms in locked vehicles; immunity from liability.

Companion Bill: SB408

Chief Patron: Pogge

Summary:

Provides that no person, property owner, tenant, employer, or business owner may prohibit a person who lawfully possesses a firearm from storing that firearm in a locked motor vehicle. The bill provides civil immunity for such persons, property owners, tenants, employers, or business owners. The provisions of the bill would not apply to

possession of firearms on school property, nor would the provisions apply to vehicles owned or leased by an employer or business and used by an employee in the course of his employment.

Status:

01/06/10 House: Prefiled and ordered printed; offered 01/13/10 10102079D

01/06/10 House: Referred to Committee on Militia, Police and Public Safety

HB183 Expungement of criminal record; allows a person to have his conviction expunged after 10 years.

Chief Patron: Morrissey

Summary:

Allows a person convicted of a criminal offense to have his conviction expunged after 10 years have passed following the conviction, upon a showing that his opportunities for employment, education, or professional licensure are prejudiced by the existence of the criminal record. Expungement would not be available for someone convicted of a violent felony, a DUI-related offense, an offense for which registration on the sex offender registry is required, or domestic violence.

Status:

01/07/10 House: Prefiled and ordered printed; offered 01/13/10 10101730D

01/07/10 House: Referred to Committee for Courts of Justice

01/13/10 House: Assigned Courts sub: Criminal

01/20/10 House: Subcommittee recommends passing by indefinitely

HB211 Freedom of Information Act; definition of scholastic record.

Chief Patron: Bulova

Summary:

Includes in the definition of scholastic records, those records of an applicant for admission that are maintained by a public body that is an educational agency or institution or by a person acting for such agency or institution.

Status:

01/08/10 House: Prefiled and ordered printed; offered 01/13/10 10101422D

01/08/10 House: Referred to Committee on General Laws

01/15/10 House: Assigned GL sub: #2 FOIA/Procurement

HB274 Higher educational institution; governing board to provide automatic acceptance of resident student.

Chief Patron: Englin

Summary:

Directs the governing boards of public institutions of higher education to provide for the automatic acceptance of those resident students applying for admission who have graduated from a public or private high school in Virginia with a grade point average in the top 10 percent of such student's graduating class and have been honorably discharged from service in the United States Armed Forces, the United States Armed Forces Reserves, the Virginia National Guard, or the Virginia National Guard Reserve.

Status:

01/11/10 House: Prefiled and ordered printed; offered 01/13/10 10103704D

01/11/10 House: Referred to Committee on Education

01/18/10 House: Assigned Education sub: #4 Higher Education and Arts

01/19/10 House: Subcommittee recommends passing by indefinitely

01/25/10 House: Impact statement from DPB (HB274)

HB300 Tuition, in-state; eligibility for dependents of civilian personnel of the military.

Chief Patron: Dance

Summary:

Provides that dependent students of civilians employed by the United States Department of Defense who transfer to a military base in Virginia to avoid the loss of employment will be eligible for in-state or reduced tuition from the date of the parent's or guardian's reassignment to a military base in the Commonwealth. This bill further provides that in the event the parent or guardian is transferred to a military base outside of Virginia before the end of any academic year, the student will continue to be eligible for in-state tuition until the end of the relevant academic year.

Status:

01/11/10 House: Prefiled and ordered printed; offered 01/13/10 10100111D

01/11/10 House: Referred to Committee on Education

01/18/10 House: Assigned Education sub: #4 Higher Education and Arts

HB303 Health insurance; mandated coverage for autism spectrum disorder.

Chief Patron: O'Bannon

Summary:

Requires health insurers, health care subscription plans, and health maintenance organizations to provide coverage for the diagnosis and treatment of autism spectrum disorder in individuals from the date of diagnosis until they reach 10 years of age. This requirement does not apply to individual or small group policies, contracts, or plans, and will not apply to the state employees' health insurance plan until July 1, 2015.

Status:

01/11/10 House: Prefiled and ordered printed; offered 01/13/10 10100554D

01/11/10 House: Referred to Committee on Commerce and Labor

01/15/10 House: Assigned C & L sub: #1

HB335 Residency training; accredited courses to be completed for licensure to practice medicine.

Chief Patron: Marshall, R.G.

Summary:

Provides that the Board of Medicine may not deny an otherwise qualified and eligible candidate for admission to the examination for licensure to practice medicine, if the candidate completed a course of study which was not accredited by the Accreditation Council of Graduate Medical Education solely for failure to provide training in the procedure of induced abortion in residency training in obstetrics and gynecology. The Board is required to apply to the U.S. Secretary of Education to seek approval as a recognized accrediting agency for the purpose of accrediting medical education programs in Virginia. After receiving such recognition, the Board must provide in its regulations that no

candidate for the examination to practice medicine shall be required to complete training in the procedure of induced abortion in residency training in obstetrics and gynecology.

Status:

01/11/10 House: Prefiled and ordered printed; offered 01/13/10 10100616D

01/11/10 House: Referred to Committee on Health, Welfare and Institutions

01/20/10 House: Assigned HWI sub: #4

HB398 Virginia-grown food products by state agencies; DGS to establish procurement procedures to purchase.

Chief Patron: Lohr

Summary:

Provides for the Department of General Services to establish procurement procedures to facilitate the purchase of Virginia-grown food products by state agencies and institutions and local public school divisions to the maximum extent possible. The bill also provides local school divisions with an exemption from competitive sealed bidding under certain circumstances when procuring Virginia-grown food products for student consumption.

Status:

01/12/10 House: Prefiled and ordered printed; offered 01/13/10 10103818D

01/12/10 House: Referred to Committee on General Laws

01/15/10 House: Assigned GL sub: #2 FOIA/Procurement

01/20/10 House: Impact statement from DPB (HB398)

01/21/10 House: Subcommittee recommends reporting with amendment(s) (6-Y 0-N)

HB411 Shaken baby syndrome; Department of Social Services to develop information for distribution.

Chief Patron: Oder

Summary:

Requires the Department of Social Services to develop information, presented in both print and audiovisual format, about shaken baby syndrome and its effects, and to make such information available to child day care providers, children's residential facilities, group homes for children, foster parents, and adoptive parents. The bill also requires that health care providers licensed by a health regulatory board of the Department of Health Professions to provide prenatal care provide information provided by the Department of Social Services on shaken baby syndrome and its effects to patients receiving prenatal care, and that information about shaken baby syndrome and its effects be provided to foster parents and prospective adoptive parents before a child is placed in the home.

Status:

01/12/10 House: Prefiled and ordered printed; offered 01/13/10 10100647D

01/12/10 House: Referred to Committee on Health, Welfare and Institutions

01/15/10 House: Assigned HWI sub: #1

01/25/10 House: Subcommittee recommends reporting with amendment(s) (6-Y 0-N)

HB423 Food Standards for agency meals; Secretary of Health and Human Resources to develop.

Chief Patron: Hope

Summary:

Directs the Secretary of Health and Human Resources to develop Food Standards for Agency Meals to consist of (i) nutritional standards for foods served by state agencies and institutions and (ii) recommendations for the use of Virginia-grown foods to the greatest extent possible, and to disseminate such standards to the heads of all state agencies that purchase, prepare, or serve meals. The bill also directs the Secretary to convene a Food Standards Task Force, to consist of the heads of all state agencies and institutions that purchase, prepare, or serve food, at least one person qualified by experience as a dietician or nutritionist, and such other persons as the Secretary may deem appropriate. The Task Force shall develop the Food Standards for Agency Meals and is directed to review and update them at least triennially to ensure that the standards remain current and science-based. The Division of Purchases and Supply of the Department of General Services is directed to adopt regulations to enforce the new standards.

Status:

01/12/10 House: Prefiled and ordered printed; offered 01/13/10 10103711D

01/12/10 House: Referred to Committee on General Laws

01/15/10 House: Assigned GL sub: #2 FOIA/Procurement

HB444 Conflict of Interests Act, state and local government; prohibited contracts, exceptions.

Chief Patron: Toscano

Summary:

Provides an exception to the conflict of interests rules, under certain circumstances, where an officer or employee whose personal interest in a contract with a public institution of higher education is by reason of an ownership in the contracting firm in excess of three percent of the contracting firm's equity or such an ownership interest and income from the contracting firm is in excess of \$10,000. Currently the exception is limited to an employee or officer's personal interest in such contract by reason of an ownership in the contracting firm in excess of three percent of the contracting firm's equity.

Status:

01/12/10 House: Prefiled and ordered printed; offered 01/13/10 10103504D

01/12/10 House: Referred to Committee on General Laws

01/15/10 House: Assigned GL sub: #2 FOIA/Procurement

HB485 State agencies; financial and management review.

Chief Patron: Lingamfelter

Summary:

Directs the Governor to initiate on July 1, 2010, an operational and programmatic performance review of (i) the agencies under the Secretary of Health and Human Resources and the Secretary of Public Safety, (ii) the Department of Transportation, (iii) the Department of Education, including primary and secondary education funded by the Commonwealth, and (iv) any other department, agency, or program of the Commonwealth in the executive branch of state government that the Governor deems necessary to effect savings in expenditures, a reduction in duplication of effort, and programmatic efficiencies in the operation of state government. The review shall be concluded by December 1, 2011. The review shall be conducted by a private management consulting firm. The goal of the review is to effect savings in expenditures, a reduction in duplication of effort, and programmatic efficiencies in the operation of state government.

Status:

01/12/10 House: Prefiled and ordered printed; offered 01/13/10 10101010D

01/12/10 House: Referred to Committee on General Laws

01/19/10 House: Assigned GL sub: #4 Professions/Occupations and Administrative Process

HB510 State Inspector General; established.

Chief Patron: Brink

Summary:

Establishes the Office of the State Inspector General to examine the management and operation of state agencies and nonstate agencies that receive state funds, conduct independent evaluations of the programs and activities of such agencies, and investigate complaints alleging fraud, waste, abuse, or corruption by state officers and state employees. A record exemption from the Freedom of Information Act is also provided for investigative notes, correspondence, and information furnished in confidence to the State Inspector General during the investigation of a complaint.

Status:

01/12/10 House: Prefiled and ordered printed; offered 01/13/10 10101542D

01/12/10 House: Referred to Committee on General Laws

01/14/10 House: Impact statement from DPB (HB510)

HB511 Retirement System; modifies retirement plans.

Chief Patron: Brink

Summary:

Modifies the retirement plans administered by the Virginia Retirement System, including (i) having state employees pay a portion of their retirement contributions; (ii) for new state and local employees, increasing the minimum age for unreduced retirement allowance from 50 to 55, and reducing the maximum annual cost of living adjustments to retirement allowances; and (iii) permitting local employers to pay any portion of employees' share of retirement contributions (under current law local employers must pay all or none of such contributions).

Status:

01/12/10 House: Prefiled and ordered printed; offered 01/13/10 10103834D

01/12/10 House: Referred to Committee on Appropriations

01/19/10 House: Assigned App. sub: Compensation and Retirement

HB521 Plastic bags; bans use by retailers at point of sale unless designed and manufactured for reuse.

Chief Patron: Morrissey

Summary:

Bans the use of plastic carryout bags by retailers at the point of sale unless such bags are (i) durable plastic bags with handles; (ii) at least 2.25 mils thick; and (iii) specifically designed and manufactured for multiple reuse.

Status:

01/12/10 House: Prefiled and ordered printed; offered 01/13/10 10103557D

01/12/10 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources

HB542 Minority Business Enterprise, Department of; includes retired military personnel-owned business.

Chief Patron: Marshall, D.W.

Summary:

Includes retired military personnel-owned business in the procurement opportunities and certification process currently in place for small, women-owned, and minority-owned businesses.

Status:

01/12/10 House: Prefiled and ordered printed; offered 01/13/10 10100218D

01/12/10 House: Referred to Committee on General Laws

01/18/10 House: Impact statement from DPB (HB542)

HB581 Paraprofessional training; person seeking licensure to obtain certificate in autism disorders.

Chief Patron: Massie

Summary:

Requires the Board of Education to include in its regulations governing licensure a requirement that by September 1, 2011, every person seeking initial licensure or renewal of a license with an endorsement in special education and working with students with autism spectrum disorders must obtain a certificate of completion in coursework in autism spectrum disorders, as recognized by the Virginia Autism Council. Also requires that by September 1, 2011, any local school division employing paraprofessional aides for students with an autism spectrum disorder shall provide an 80-hour preservice training program that meets the requirements set forth by the Virginia Autism Council.

Status:

01/12/10 House: Prefiled and ordered printed; offered 01/13/10 10103421D

01/12/10 House: Referred to Committee on Education

HB601 Medical laboratory scientists technicians; may practice if registered with Board of Medicine.

Chief Patron: O'Bannon

Summary:

Provides that it shall be unlawful for any person to practice or hold themselves out as practicing as a medical laboratory scientist or medical laboratory technician unless they have registered with the Board of Medicine.

Status:

01/12/10 House: Prefiled and ordered printed; offered 01/13/10 10103832D

01/12/10 House: Referred to Committee on Health, Welfare and Institutions

01/20/10 House: Assigned HWI sub: #1

HB609 Government Efficiency Review Commission; established.

Chief Patron: Purkey

Summary:

Establishes the Government Efficiency Review Commission to review agencies on an eight-year cycle and advise the General Assembly on the elimination of waste, duplication, and inefficiency on the part of such agencies. The bill also

repeals the Legislative Program Review and Evaluation Act (§ 30-64 et seq. of the Code of Virginia) and makes some technical amendments.

Status:

01/12/10 House: Prefiled and ordered printed; offered 01/13/10 10102115D

01/12/10 House: Referred to Committee on Rules

01/25/10 House: Impact statement from DPB (HB609)

HB615 Public Procurement Act; small, women, minority, and service disabled veteran-owned businesses.

Chief Patron: Lohr

Summary:

Provides that for the solicitation or awarding of contracts with small, women-owned, minority-owned, or service disabled veteran-owned businesses, all public bodies shall include in every such contract the following provision: "During the performance of this contract, the contractor agrees that no more than 20 percent of the contracted work will be subcontracted to any business that does not meet the definition of small, women-owned, minority-owned, or service disabled veteran-owned business, except where there is a bona fide occupational qualification reasonably necessary to the normal operation of the contractor." The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth these requirements. The bill provides that notices, advertisements, and solicitations placed in accordance with federal law, rule, or regulation shall be deemed sufficient posting. The bill contains technical amendments.

Status:

01/12/10 House: Prefiled and ordered printed; offered 01/13/10 10103809D

01/12/10 House: Referred to Committee on General Laws

01/19/10 House: Assigned GL sub: #2 FOIA/Procurement

01/21/10 House: Subcommittee recommends passing by with letter (6-Y 0-N)

HB710 Health care data and reporting; ranking of health care providers.

Chief Patron: Peace

Summary:

Requires any nonprofit agency with which the Department of Health contracts for the compilation, storage, analysis, and evaluation of data submitted by health care providers to develop a system of ranking or grading health care providers and making such rankings available to the public.

Status:

01/12/10 House: Prefiled and ordered printed; offered 01/13/10 10100455D

01/12/10 House: Referred to Committee on Health, Welfare and Institutions

HB732 Tuition, in-state; students entitled to who have completed 8 semesters will be assessed a surcharge.

Chief Patron: Albo

Summary:

Provides that students entitled to in-state tuition, who have already completed eight semesters for a four-year degree

or 10 semesters for a five-year degree, will be assessed a surcharge upon satisfactorily completing 110 percent of credit hours, called the credit hour threshold, needed to obtain a degree in the student's chosen program. Each additional credit hour will be charged at the rate charged to non-Virginia domiciles. The money raised by such surcharge must be used by the institution to create additional in-state student slots. A waiver of the surcharge may be granted by the relevant institution, in accordance with the guidelines and criteria established by the State Council of Higher Education for Virginia (SCHEV).

Status:

01/12/10 House: Prefiled and ordered printed; offered 01/13/10 10103464D

01/12/10 House: Referred to Committee on Education

01/20/10 House: Referred from Education

01/20/10 House: Referred to Committee on Appropriations

01/25/10 House: Assigned App. sub: Higher Education

HB737 E-Verify Program; requires state agencies, public contractors, localities & employers to enroll.

Chief Patron: Albo

Summary:

Requires agencies of the Commonwealth, public contractors, localities, and employers with 15 or more employees within the Commonwealth to enroll in the E-Verify Program by December 1, 2010, and to use the Program for each newly hired employee who is to perform work within the Commonwealth. Employers and contractors that fail to do so are subject to suspension or revocation of certain licenses. Licenses will be reinstated when a business establishment enrolls in the Program or, if already enrolled but not using the Program, prepares and implements a compliance plan.

Status:

01/12/10 House: Prefiled and ordered printed; offered 01/13/10 10101599D

01/12/10 House: Referred to Committee on General Laws

01/19/10 House: Assigned GL sub: #2 FOIA/Procurement

HB817 Garnishment; deposit of earnings.

Chief Patron: Abbott

Summary:

Provides that a depository shall not withhold any earnings for garnishment that have been deposited into an individual's account after the date of receipt of the garnishment summons by the depository.

Status:

01/13/10 House: Prefiled and ordered printed; offered 01/13/10 10103366D

01/13/10 House: Referred to Committee for Courts of Justice

01/19/10 House: Assigned Courts sub: Civil

HB831 Public Procurement Act; qualification of foreign business entities to conduct business in State.

Chief Patron: Surovell

Summary:

Prohibits a foreign corporation, limited liability company, business trust, limited partnership, or registered limited liability partnership from bidding on, or entering into, amending, or renewing, a contract with a public body under the Virginia Public Procurement Act unless the foreign entity provides a copy of a valid certificate or authority or registration to conduct business in the Commonwealth. Such status shall be maintained during the term of a contract and for five years after its term is completed. A contract entered into by a business in violation of the requirements is voidable at the option of the public body.

Status:

01/13/10 House: Prefiled and ordered printed; offered 01/13/10 10100958D

01/13/10 House: Referred to Committee on General Laws

01/19/10 House: Assigned GL sub: #2 FOIA/Procurement

HB885 Concealed weapons; person may carry a handgun in a motor vehicle or boat if secured in compartment.

Chief Patron: Athey

Summary:

Creates a new exemption to the general prohibition against carrying concealed weapons by allowing a person who may lawfully possess a firearm to carry a handgun in a private motor vehicle or boat if the handgun is secured in a container or compartment.

Status:

01/13/10 House: Prefiled and ordered printed; offered 01/13/10 10102254D

01/13/10 House: Referred to Committee on Militia, Police and Public Safety

HB899 Higher educational institutions; certain governing bodies to establish rules to increase domiciles.

Chief Patron: Comstock

Summary:

Provides that the board of visitors or other governing body of each public institution of higher education, except for the Virginia Military Institute, Norfolk State University, and Virginia State University, must establish rules and regulations to increase the number of Virginia domiciles admitted at the institution over five years, beginning in the 2011-2012 academic year, until the number of enrolled Virginia domiciles reaches 80 percent.

Status:

01/13/10 House: Prefiled and ordered printed; offered 01/13/10 10102065D

01/13/10 House: Referred to Committee on Appropriations

01/19/10 House: Assigned App. sub: Higher Education

HB903 Threat assessment teams; exempts records established at public institutions of higher education.

Companion Bill: SB207

Chief Patron: Bell, Robert B.

Summary:

Exempts all records of threat assessment teams established at public institutions of higher education from the provisions of the Freedom of Information Act, and allows these teams to receive health and criminal history records of students for the purposes of assessment and intervention.

Status:

01/13/10 House: Prefiled and ordered printed; offered 01/13/10 10102688D

01/13/10 House: Referred to Committee on Education

01/19/10 House: Assigned Education sub: #4 Higher Education and Arts

HB987 Stormwater regulation; amends current law.

Companion Bill: SB650

Chief Patron: Jones

Summary:

Amends current law by removing the requirement that waivers given to federal, state, or local government agencies that develop, redevelop or retrofit outfalls, discharges or property so that there is a permanent reduction in postdevelopment stormwater flow and pollutant loading be full waivers. The amount of the waiver to such agencies shall be equal to the product of the fee that would be charged to the agency multiplied by the percentage of the stormwater runoff captured by the agency's storm drainage or stormwater control facilities.

Status:

01/13/10 House: Prefiled and ordered printed; offered 01/13/10 10103265D

01/13/10 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources

HB1006 Higher educational institutions; funding disbursed based on total number of Virginia domiciles.

Chief Patron: Athey

Summary:

Provides that notwithstanding any other provision of law, funds allocated for capital and operating expenses in the general appropriation act to the public institutions of higher education in the Commonwealth must be disbursed based upon the total number of Virginia domiciles enrolled in the undergraduate programs at each institution in the previous biennium.

Status:

01/13/10 House: Prefiled and ordered printed; offered 01/13/10 10102547D

01/13/10 House: Referred to Committee on Appropriations

01/19/10 House: Assigned App. sub: Higher Education

HB1007 Higher educational institutions; governing body establish rules & regulations for undergraduates.

Chief Patron: Athey

Summary:

Provides that the board of visitors or other governing body of each public institution of higher education in Virginia must establish rules and regulations requiring that 80 percent of the undergraduate student population of the institution are Virginia domiciles. State funds must be withheld from any institution that does not fulfill the 80 percent requirement.

Status:

01/13/10 House: Prefiled and ordered printed; offered 01/13/10 10102552D
01/13/10 House: Referred to Committee on Appropriations
01/19/10 House: Assigned App. sub: Higher Education

HB1015 Telecommuting & alternative work schedules; Secretary of Administration shall measure effectiveness.

Chief Patron: Hugo

Summary:

Provides that the Secretary of Administration, in cooperation with the Secretary of Technology, shall measure the effectiveness of the comprehensive statewide telecommuting and alternative work schedule policy. The bill provides that the head of each agency shall report annually to the Secretary on the status of any programs or policies developed and implemented pursuant to this section. Any agency head failing to comply with the requirements of this section shall forfeit one percent of the moneys appropriated for the operation of the agency as provided in the appropriation act. The Secretary shall so notify the Comptroller, who shall take such moneys and deposit them into the Literary Fund. The bill also requires the Department of Human Resource Management to notify state employees by email, or other method deemed appropriate by the Department, of the statewide telecommuting and alternative work schedule policy.

Status:

01/13/10 House: Prefiled and ordered printed; offered 01/13/10 10101140D
01/13/10 House: Referred to Committee on Science and Technology

HB1016 Higher Education, State Council of; abolished.

Chief Patron: Hugo

Summary:

Abolishes the State Council of Higher Education for Virginia and transfers its duties, responsibilities, and functions to the successor in interest to the Council.

Status:

01/13/10 House: Prefiled and ordered printed; offered 01/13/10 10101156D
01/13/10 House: Referred to Committee on Education
01/19/10 House: Assigned Education sub: #4 Higher Education and Arts

HB1025 Medical assistance services; provision of speech-language therapy.

Chief Patron: Hugo

Summary:

Requires the Board of Medical Assistance Services to include a provision for medical assistance for speech-language therapy services provided by an auditory verbal therapist or other qualified person under the supervision of a licensed audiologist or speech-language pathologist.

Status:

01/13/10 House: Prefiled and ordered printed; offered 01/13/10 10101595D

01/13/10 House: Referred to Committee on Health, Welfare and Institutions

01/20/10 House: Assigned HWI sub: #2

HB1026 Higher educational institutions; certain governing bodies to establish rules to increase domiciles.

Chief Patron: Hugo

Summary:

Provides that the board of visitors or other governing body of each public institution of higher education, except for the Virginia Military Institute, Norfolk State University, and Virginia State University, must establish rules and regulations requiring that at least 75 percent of students admitted and enrolled at the institution be Virginia domiciles.

Status:

01/13/10 House: Prefiled and ordered printed; offered 01/13/10 10101139D

01/13/10 House: Referred to Committee on Appropriations

01/19/10 House: Assigned App. sub: Higher Education

HB1036 Security for Public Deposits Act; makes several amendments to Act, administered by Treasury Board.

Companion Bill: SB456

Chief Patron: Byron

Summary:

Makes several amendments to the Virginia Security for Public Deposits Act, which is administered by the Treasury Board. The bill changes the definition of public funds to public deposits and expands the definition to include the various funds that are held by public entities, and requires all of those funds to be collateralized. In addition, the bill allows thrift institutions, including savings banks and savings and loan associations, to participate in the collateral pool, which was previously only available to banks. The bill also (i) clarifies the procedure for payment of losses in the event of a default, (ii) adds definitions for qualified escrow agent, public depositor, pooled method, and dedicated method, and (iii) makes several technical amendments.

Status:

01/13/10 House: Prefiled and ordered printed; offered 01/13/10 10103657D

01/13/10 House: Referred to Committee on General Laws

01/25/10 House: Assigned GL sub: #2 FOIA/Procurement

HB1042 Informed consent; includes ultrasound to determine gestation age.

Chief Patron: Byron

Summary:

Requires that, as a component of informed consent to an abortion, to determine gestation age, every pregnant female shall undergo ultrasound imaging and be given an opportunity to view the ultrasound image of her fetus prior to the abortion.

Status:

01/13/10 House: Prefiled and ordered printed; offered 01/13/10 10103713D

01/13/10 House: Referred to Committee for Courts of Justice

01/19/10 House: Assigned Courts sub: Civil

01/25/10 House: Subcommittee recommends reporting (7-Y 3-N)

HB1066 Higher Education, State Council of; develop uniform general studies certificate.

Chief Patron: Athey

Summary:

Requires the development of a uniform certificate of general studies program by the State Council of Higher Education for Virginia, in consultation with the Virginia Community College System, to be offered at each community college in Virginia. The program must ensure that a community college student who maintains a 3.0 grade point average in the certificate program and completes the certificate program may transfer all credits to a four-year public institution of higher education in the Commonwealth, upon acceptance to the institution.

Status:

01/13/10 House: Prefiled and ordered printed; offered 01/13/10 10102975D

01/13/10 House: Referred to Committee on Education

01/19/10 House: Assigned Education sub: #4 Higher Education and Arts

HB1069 Adult abuse; mandatory reporting by person employed in emergency department of any hospital.

Chief Patron: Athey

Summary:

Requires any person employed in the emergency department of any private or state-operated hospital to report to Adult Protective Services when an adult is treated for serious bodily injury and the adult is unable to explain the cause of his injuries due to physical or mental incapacity.

Status:

01/13/10 House: Prefiled and ordered printed; offered 01/13/10 10102512D

01/13/10 House: Referred to Committee on Health, Welfare and Institutions

01/20/10 House: Assigned HWI sub: #2

01/24/10 House: Impact statement from DPB (HB1069)

HB1070 Concealed handguns; person who possesses valid permit may carry into emergency shelter.

Chief Patron: Athey

Summary:

Provides that a person who has a valid concealed handgun permit may not be barred from carrying a concealed

handgun in any place or facility designated or used by the Governor, any political subdivision of the Commonwealth, or any other governmental entity as an emergency shelter or for the purpose of sheltering persons.

Status:

01/13/10 House: Prefiled and ordered printed; offered 01/13/10 10101704D

01/13/10 House: Referred to Committee on Militia, Police and Public Safety

HB1144 Telecommuting; increases target for eligible state employee participation to 40 percent.

Chief Patron: Scott, J.M.

Summary:

Increases the target for eligible state employee participation in telecommuting and alternative work schedules to 40 percent in each respective program by January 1, 2012.

Status:

01/13/10 House: Prefiled and ordered printed; offered 01/13/10 10102681D

01/13/10 House: Referred to Committee on Science and Technology

HB1162 Pyrotechnicians and fireworks operators; State Fire Marshal to establish a certification program.

Companion Bill: SB8

Chief Patron: Cosgrove

Summary:

Provides for the State Fire Marshal to establish a certification program for pyrotechnician or fireworks operator to design, setup, conduct or supervise the design, setup or conducting of any fireworks display, either inside a building or outdoors.

Status:

01/13/10 House: Prefiled and ordered printed; offered 01/13/10 10103977D

01/13/10 House: Referred to Committee on General Laws

HB1166 Controlled substances; unlawfully obtaining or attempting to obtain, report required.

Chief Patron: Phillips

Summary:

Provides that it shall be a Class 1 misdemeanor for any person to knowingly or intentionally deceive a prescriber in order to obtain a controlled substance or prescription for a controlled substance, or to fail to disclose to a prescriber from whom the person obtains or attempts to obtain a controlled substance or prescription for a controlled substance that the person has received the same or a similar controlled substance or a prescription for the same or a similar controlled substance within the previous 30 days. The bill requires any person authorized to prescribe, dispense, or administer controlled substances, who has reason to believe that a person has failed to make the required report, to report the incident to the local law-enforcement agency within three business days, and provides that persons making a report to a law-enforcement agency shall be immune from civil liability.

Status:

01/13/10 House: Prefiled and ordered printed; offered 01/13/10 10101222D

01/13/10 House: Referred to Committee for Courts of Justice

01/19/10 House: Assigned Courts sub: Criminal

HB1167 Schedule II, III, or IV controlled substances; request and review information about patient.

Chief Patron: Phillips

Summary:

Requires any prescriber who prescribes a controlled substance included in Schedule II, Schedule III, or Schedule IV of the Drug Control Act to request and review information about that patient from the Prescription Monitoring Program, and to continue to do so at least annually for so long as the prescriber continues to prescribe the controlled substance to the patient.

Status:

01/13/10 House: Prefiled and ordered printed; offered 01/13/10 10101225D

01/13/10 House: Referred to Committee on Health, Welfare and Institutions

01/20/10 House: Assigned HWI sub: #4

01/25/10 House: Impact statement from DPB (HB1167)

HB1170 Drug screens; random for certain prescriptions.

Chief Patron: Phillips

Summary:

Requires any physician who prescribes a Schedule II, III, or IV controlled substance for a duration greater than 31 days to require the recipient of such prescription to undergo mandatory random urine drug screening tests.

Status:

01/13/10 House: Prefiled and ordered printed; offered 01/13/10 10101223D

01/13/10 House: Referred to Committee on Health, Welfare and Institutions

01/20/10 House: Assigned HWI sub: #4

HB1182 Health insurance; mandated coverage for telemedicine services.

Chief Patron: Phillips

Summary:

Requires health insurers, health care subscription plans, and health maintenance organizations to provide coverage for the cost of telemedicine services when the services are appropriately provided through such means. "Telemedicine services" means the use of interactive audio, video, or other telecommunications technology by a health care provider to deliver health care services at a site other than the site where the patient is located, including the use of electronic media for consultation relating to the health care diagnosis or treatment of the patient.

Status:

01/13/10 House: Prefiled and ordered printed; offered 01/13/10 10100134D

01/13/10 House: Referred to Committee on Commerce and Labor

HB1189 Retirement System; modifies for new employees all defined benefit retirement plans.

Chief Patron: Putney

Summary:

Modifies for new employees all the defined benefit retirement plans administered by the Virginia Retirement System ("VRS"), as follows: (i) requires employee to contribute five percent of creditable compensation, (ii) reduces the portion of the increase in the Consumer Price Index used for determining annual retirement allowance supplements ("COLA") from three percent plus one-half percent of the additional increase up to seven percent, to two percent plus one-half percent of the additional increase up to six percent. The bill also decreases the Commonwealth's contribution for employees of certain optional retirement plans by one percent of creditable compensation.

Status:

01/13/10 House: Prefiled and ordered printed; offered 01/13/10 10103075D

01/13/10 House: Referred to Committee on Appropriations

01/19/10 House: Assigned App. sub: Compensation and Retirement

HB1228 Historically Underutilized Business (HUB) Zones; established.

Companion Bill: SB378

Chief Patron: Dance

Summary:

Requires the Department of General Services, in conjunction with the Department of Minority Business Enterprise, to develop a program that insures that at least 15 percent of state procurement contracts are awarded to small businesses located in historically underutilized business zones (HUB Zones). The bill defines HUB Zone.

Status:

01/15/10 House: Presented and ordered printed 10104132D

01/15/10 House: Referred to Committee on General Laws

01/25/10 House: Impact statement from DPB (HB1228)

HB1229 Higher educational institutions; active duty military students may return to without reapplying.

Chief Patron: Loupassi

Summary:

Provides that students called to active military duty during an academic semester shall have the opportunity to return to the institution upon completion of the active duty military assignment, without having to reapply for admission. Also, if the student had previously been accepted to any of the institution's graduate programs, the student may defer acceptance until his return.

Status:

01/15/10 House: Presented and ordered printed 10103311D

01/15/10 House: Referred to Committee on Education

01/25/10 House: Assigned Education sub: #4 Higher Education and Arts

HB1238 Higher educational institutions; crisis and emergency management.

Companion Bill: SB608

Chief Patron: Torian

Summary:

Requires (i) the members of the threat assessment team, and (ii) the president and vice-president of each public institution of higher education, or the superintendent in the case of the Virginia Military Institute, to annually certify in writing to the Department of Emergency Management comprehension and understanding of the institution's crisis and emergency management plan. The bill also provides that each public institution of higher education shall annually conduct a live emergency drill in accordance with the protocols established by the institution's crisis and emergency management plan.

Status:

01/15/10 House: Presented and ordered printed 10103453D

01/15/10 House: Referred to Committee on Education

01/25/10 House: Assigned Education sub: #4 Higher Education and Arts

HB1239 Tuition, in-state; certain Department of Defense employees as result of Base Realignment & Closure.

Companion Bill: SB544

Chief Patron: Torian

Summary:

Provides that any civilian employees of the Department of Defense that are realigned to Virginia as a result of Base Realignment and Closure, and their dependents, shall pay the in-state tuition rate at the public institution of higher education in which they are enrolled.

Status:

01/15/10 House: Presented and ordered printed 10104116D

01/15/10 House: Referred to Committee on Education

01/25/10 House: Assigned Education sub: #4 Higher Education and Arts

HB1258 Construction contracts; indemnification provisions.

Chief Patron: Albo

Summary:

Declares that a provision in a construction contract that requires the contractor to provide insurance coverage, or to name a party to the contract as an additional insured on a policy of insurance, for the purpose of providing an indemnity that is prohibited under current law, is void and unenforceable. The measure also provides that a provision in a construction contract by which the contractor purports to indemnify or hold harmless another party against liability for damage caused by independent contractors of the other party is void and unenforceable.

Status:

01/19/10 House: Presented and ordered printed 10103742D

01/19/10 House: Referred to Committee on General Laws

HB1264 Green Public Buildings Act; created.

Chief Patron: Hope

Summary:

Requires public bodies entering the design phase for construction of a new building greater than 5,000 gross square feet in size, or renovating such a building where the cost of renovation exceeds 50 percent of the value of the building, to build to either the LEED Silver or Green Globes two globe standards. The buildings shall be designed, constructed, verified, and operated to achieve energy savings that exceed the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) Standard 90.1-2004 (Energy Standard for Buildings Except Low-Rise Residential Buildings) by at least 15 percent for new construction and 10 percent for major renovation. In addition, water systems designed for such buildings shall be required to provide water use savings of at least 25 percent over the baseline standard established in the federal Energy Policy Act of 1992. Exemptions from the requirement may be granted by the Director of the Department of General Services for state construction projects or by the governing body of a locality or school board for local projects.

Status:

01/19/10 House: Presented and ordered printed 10103793D

01/19/10 House: Referred to Committee on General Laws

HB1271 Firearms; governing body of an educational institution has power to establish rules therefor.

Chief Patron: Torian

Summary:

Provides that the board of visitors or other governing body of an educational institution has the power to establish rules and regulations for the possession or transportation of firearms or ammunition on property owned or operated by the institution.

Status:

01/20/10 House: Presented and ordered printed 10104161D

01/20/10 House: Referred to Committee on Militia, Police and Public Safety

HB1279 Public Procurement Act; certain amount of contracts to be awarded to small, etc., businesses.

Chief Patron: McClellan

Summary:

Requires the Department of General Services, in conjunction with the Department of Minority Business Enterprise, to develop a program that insures that at least 15 percent of state procurement contracts are awarded to small, women-owned, and minority-owned businesses located in historically underutilized business zones (HUB Zone) that meet certain requirements. The bill defines HUB Zone.

Status:

01/20/10 House: Presented and ordered printed 10103656D

01/20/10 House: Referred to Committee on General Laws

HB1331 Efficient Government, Council on; established.

Chief Patron: Cosgrove

Summary:

Creates the Council on Efficient Government and sets out its memberships and duties. The bill provides the Council shall cease to exist on July 1, 2015. The bill also eliminates the Commonwealth Competition Council. The bill contains technical amendments.

Status:

01/22/10 House: Presented and ordered printed 10102467D

01/22/10 House: Referred to Committee on Rules

HJ80 Zero-based budgeting; joint subcommittee to study implementing to determine its utility in State.

Chief Patron: Bell, Richard P.

Summary:

Establishes a joint subcommittee to study implementing zero-based budgeting to determine its utility in the Commonwealth. The joint subcommittee shall identify a limited number of state agencies to implement zero-based budgeting, determine if cost savings from this budget technique could be realized, and make recommendations about the implementation of zero-based budgeting by all state agencies.

Status:

01/12/10 House: Prefiled and ordered printed; offered 01/13/10 10101469D

01/12/10 House: Referred to Committee on Rules

01/18/10 House: Assigned Rules sub: #3 Studies

HJ84 Constitutional amendment; limits total appropriations in a year to preceding year's total.

Chief Patron: Gilbert

Summary:

Limits total appropriations in any fiscal year to the preceding year's total appropriations plus a percentage increase equal to the past two years' average increase in the rate of inflation plus the average percentage increase in population. The amendment provides that any revenues collected in excess of the limitation shall be distributed: 75 percent to be refunded to individual income taxpayers and 25 percent to the Revenue Stabilization Trust Fund. "Total appropriations" is defined to exclude moneys appropriated that are received from the federal government or an agency or unit thereof. If the amount in excess of the limitation is less than or equal to one percent of the limitation, the total excess shall be deposited to the Revenue Stabilization Fund if that Fund has not reached its constitutional limit, or if that Fund has reached its limit, the excess shall be appropriated to the general fund.

Status:

01/12/10 House: Prefiled and ordered printed; offered 01/13/10 10102166D

01/12/10 House: Referred to Committee on Privileges and Elections

HJ93 Federal stimulus; joint subcommittee to study impact of spending in State.

Chief Patron: Purkey

Summary:

Establishes a joint subcommittee to study the impact of federal stimulus spending in the Commonwealth.

Status:

01/12/10 House: Prefiled and ordered printed; offered 01/13/10 10103613D

01/12/10 House: Referred to Committee on Rules

01/18/10 House: Assigned Rules sub: #3 Studies

HJ120 Higher educational institutions; joint subcommittee to study ways to increase bachelor's degrees.

Chief Patron: Athey

Summary:

Establishes a joint subcommittee to study ways to increase the number of bachelor's degrees awarded annually by public institutions of higher education in the Commonwealth. In conducting its study, the joint subcommittee shall (i) identify the economic impact of a more educated population on the Commonwealth; (ii) identify any capacity issues confronting the public institutions of higher education in the Commonwealth; (iii) examine ways to attract nontraditional student populations to pursue higher education degrees and enroll in bachelor's degree programs; (iv) consider expansion of dual enrollment programs at community colleges or distance learning programs to increase capacity in bachelor's degree programs; (v) make recommendations regarding how Virginia public institutions of higher education can increase the number of bachelor's degrees awarded annually by 10,000 over the next 10 years; and (vi) explore such other issues as it deems appropriate.

Status:

01/13/10 House: Prefiled and ordered printed; offered 01/13/10 10102163D

01/13/10 House: Referred to Committee on Rules

01/18/10 House: Assigned Rules sub: #3 Studies

HJ152 Commending the University of Virginia men's soccer team.

Chief Patron: Toscano

Summary:

Commending the University of Virginia men's soccer team.

Status:

01/18/10 House: Introduced bill reprinted 10103294D

01/22/10 House: Engrossed by House

01/22/10 House: Agreed to by House by voice vote

01/25/10 Senate: Received

01/25/10 Senate: Laid on Clerk's Desk

SB8 Fire Prevention Code; Fire Marshal to establish certification program for fireworks display.

Companion Bill: HB1162

Chief Patron: Blevins

Summary:

Provides for the State Fire Marshal to establish a certification program for pyrotechnician or fireworks operator to design, setup, conduct or supervise the design, setup or conducting of any fireworks display, either inside a building or outdoors.

Status:

12/10/09 Senate: Prefiled and ordered printed; offered 01/13/10 10100065D

12/10/09 Senate: Referred to Committee on General Laws and Technology

SB13 Critical care specialist; added to list of specialists who can determine when patient is brain dead.

Chief Patron: Howell

Summary:

Adds critical care specialists to the list of specialists who can make the determination of when a patient is brain dead.

Status:

12/18/09 Senate: Referred to Committee on Education and Health

01/21/10 Senate: Reported from Education and Health (15-Y 0-N)

01/22/10 Senate: Constitutional reading dispensed (39-Y 0-N)

01/24/10 Senate: Impact statement from DPB (SB13)

01/25/10 Senate: Read second time and engrossed

SB70 Criminal conviction record; person convicted of certain offenses to petition for expungement.

Chief Patron: McEachin

Summary:

Allows a person convicted of certain criminal offenses to petition to have his conviction expunged after a five-year period has expired following the conviction, upon a showing that his opportunities for employment, education, or professional licensure are prejudiced by the existence of the criminal record. Expungement would not be available for someone convicted of a violent felony, a DUI-related offense, an offense for which registration on the sex offender registry is required, or domestic violence.

Status:

01/04/10 Senate: Prefiled and ordered printed; offered 01/13/10 10103277D

01/04/10 Senate: Referred to Committee for Courts of Justice

01/12/10 Senate: Assigned Courts sub: Criminal

SB74 Electric utility regulation; SCC regulate rates for services of investor-owned electric utilities.

Chief Patron: Reynolds

Summary:

Reinstates provisions governing the authority of the State Corporation Commission (SCC) to regulate the rates for services of investor-owned electric utilities that existed prior to the enactment of the Electric Utility Restructuring Act in 1999 and of electric utility re-regulation legislation in 2007. Specifically, the measure eliminates, for rate cases

initiated after January 1, 2011, rules that authorize such utilities to earn a rate of return on common equity that is not lower than the average of such returns for a majority of peer group utilities, and to recover certain costs through rate adjustment clauses. In rate cases initiated in 2011 and thereafter the SCC is directed to determine rates, terms, and conditions for the provision of generation, distribution, and transmission services for each investor-owned incumbent electric utility that are just, reasonable, and nondiscriminatory. These proceedings shall be governed by the provisions of Chapter 10 of Title 56 and shall provide fair rates of return on common equity. In such proceedings, the SCC may use any methodology to determine rates of return on common equity that it finds consistent with the public interest. The SCC is authorized to permit a utility to recover its actual costs, if the Commission finds such recovery is just, reasonable, and in the public interest, of peak-shaving programs, energy efficiency programs, participating in the renewable energy portfolio standard program, and environmental projects.

Status:

01/05/10 Senate: Prefiled and ordered printed; offered 01/13/10 10100484D

01/05/10 Senate: Referred to Committee on Commerce and Labor

01/15/10 Senate: Impact statement from SCC (SB74)

SB82 Podiatry; clarification of definition of practice.

Chief Patron: Howell

Summary:

Clarifies that the practice of podiatry includes the prevention, diagnosis, treatment, and cure or alleviation of physical conditions, diseases, pain, or infirmities of the human foot and ankle, including the medical, mechanical, and surgical treatment of the ailments of the human foot and ankle.

Status:

01/05/10 Senate: Prefiled and ordered printed; offered 01/13/10 10101328D

01/05/10 Senate: Referred to Committee on Education and Health

01/24/10 Senate: Impact statement from DPB (SB82)

SB88 Criminal Injuries Compensation Fund; Worker's Compensation Commission to adopt rate or fee schedule.

Chief Patron: Howell

Summary:

Requires the Virginia Worker's Compensation Commission, which administers the Criminal Injuries Compensation Fund, to adopt rates or fee schedules for payments to health care providers. The bill also provides that if a health care provider accepts payment from the Fund it is considered payment in full and the victim is not liable for the remainder.

Status:

01/05/10 Senate: Prefiled and ordered printed; offered 01/13/10 10101316D

01/05/10 Senate: Referred to Committee for Courts of Justice

01/12/10 Senate: Impact statement from DPB (SB88)

01/12/10 Senate: Assigned Courts sub: Criminal

SB109 Green Public Buildings Act; created.

Chief Patron: Petersen

Summary:

Requires executive branch agencies and institutions entering the design phase for construction of a new building greater than 5,000 gross square feet in size, or renovating such a building where the cost of renovation exceeds 50 percent of the value of the building, to conform to the LEED Silver or Green Globes two globe standard. Exemptions from the requirement may be granted by the Director of the Department of General Services upon a finding of special circumstances that make construction or renovation to the standards impracticable.

Status:

01/06/10 Senate: Prefiled and ordered printed; offered 01/13/10 10100337D

01/06/10 Senate: Referred to Committee on General Laws and Technology

01/20/10 Senate: Impact statement from DPB (SB109)

SB155 Medical services; State's lien for payment.

Chief Patron: Edwards

Summary:

Provides that a lien granted to the Commonwealth against any recovery from a third party obtained by an injured person whose medical costs were paid pursuant to the Virginia Medical Assistance Program shall only attach to the portion of the claim representing compensation for medical expenses incurred by the injured person. In the course of determining the amount of the Commonwealth's lien, a court may determine the fairness of any allocation of the proceeds from a claim for medical expenses. The bill is intended to bring Virginia law in conformity with the United States Supreme Court's decision in *Arkansas Dep't of Health & Human Servs. v. Ahlborn*, 547 U.S. 268, 126 S.Ct. 1752, 164 L.Ed.2d 459 (2006). This bill is a recommendation of the Boyd-Graves Conference.

Status:

01/11/10 Senate: Prefiled and ordered printed; offered 01/13/10 10100366D

01/11/10 Senate: Referred to Committee for Courts of Justice

01/12/10 Senate: Assigned Courts sub: Civil

SB163 Health savings accounts; exemption from creditors' claims.

Chief Patron: Edwards

Summary:

Exempts moneys paid into or out of, the assets of, and the income of, a health savings account from creditor process. Such assets shall not be liable to attachment, garnishment, or other process, and shall not be seized, taken, appropriated, or applied by any legal or equitable process or operation of law to pay any debt or liability of the participant or beneficiary of the account.

Status:

01/11/10 Senate: Referred to Committee on Commerce and Labor

01/18/10 Senate: Reported from Commerce and Labor (15-Y 0-N)

01/20/10 Senate: Constitutional reading dispensed (40-Y 0-N)

01/21/10 Senate: Read second time and engrossed

01/22/10 Senate: Read third time and passed Senate (39-Y 0-N)

SB187 Anti-epileptic drug; prohibits pharmacist from dispensing without prior notification from physician.

Chief Patron: Northam

Summary:

Prohibits a pharmacist from dispensing a therapeutically equivalent drug product for a prescription for an anti-epileptic drug without prior notification of, and the signed informed consent for, such substitution from the prescribing physician and the patient or his legal guardian or representative.

Status:

01/12/10 Senate: Prefiled and ordered printed; offered 01/13/10 10103514D

01/12/10 Senate: Referred to Committee on Education and Health

01/19/10 Senate: Assigned Education sub: Health Licensing

SB207 Threat assessment teams; exempts records established at public institutions of higher education.

Companion Bill: HB903

Chief Patron: Edwards

Summary:

Exempts all records of threat assessment teams established at public institutions of higher education from the provisions of the Freedom of Information Act, and allows these teams to receive health and criminal history records of students for the purposes of assessment and intervention.

Status:

01/12/10 Senate: Prefiled and ordered printed; offered 01/13/10 10103571D

01/12/10 Senate: Referred to Committee on General Laws and Technology

SB209 International Baccalaureate program; course credit.

Chief Patron: Barker

Summary:

Requires the governing boards of each public institution of higher education to implement policies to grant a minimum of 24 undergraduate semester credit hours to entering freshman students who have successfully completed the International Baccalaureate diploma program. The governing boards must report to the State Council of Higher Education for Virginia the policy adopted and implemented, and make the policy available on the institution's website.

Status:

01/12/10 Senate: Prefiled and ordered printed; offered 01/13/10 10102372D

01/12/10 Senate: Referred to Committee on Education and Health

01/14/10 Senate: Assigned Education sub: Higher Education

SB225 Public Procurement Act; verification of legal presence for employment in U.S.

Chief Patron: Barker

Summary:

Requires all public contractors and their subcontractors to register and participate in a federal Electronic Work Verification Program or similar electronic verification of work authorization program to determine that their employees and individual independent contractors are legally eligible for employment in the United States. Contractors and subcontractors are required to verify the employment status of their employees and independent contractors, and are prohibited from employing or contracting with an individual who is not determined to be legally eligible for employment in the United States as determined through the verification of the individual's status. Contractors who do not register and participate in the registration program are ineligible for prequalification.

Status:

01/12/10 Senate: Prefiled and ordered printed; offered 01/13/10 10102903D

01/12/10 Senate: Referred to Committee on General Laws and Technology

01/25/10 Senate: Impact statement from DPB (SB225)

SB227 Irrigation systems; installation of an outdoor automatic sprinkler in state-owned buildings.

Chief Patron: Barker

Summary:

Requires the Division of Engineering and Buildings, in every state-owned building or facility designed, constructed, or substantially altered after July 1, 2010, that includes as part of such design, construction, or alteration the installation of an outdoor automatic sprinkler or irrigation system, to ensure that such system shall have furnished and installed technology that inhibits or interrupts operation of the landscape irrigation system during periods of sufficient moisture or rainfall. The technology shall be adjustable either by the end user or the professional practitioner of landscape irrigation services. The bill also provides that every outdoor automatic sprinkler or irrigation system installed after July 1, 2010, by a landscape irrigation contractor shall be equipped with technology that inhibits or interrupts operation of the landscape irrigation system during periods of sufficient moisture or rainfall. The technology shall be adjustable either by the end user or the professional practitioner of landscape irrigation services. The bill provides that this latter provision shall not apply to systems operating on golf courses or agricultural lands.

Status:

01/12/10 Senate: Prefiled and ordered printed; offered 01/13/10 10101026D

01/12/10 Senate: Referred to Committee on General Laws and Technology

01/18/10 Senate: Impact statement from DPB (SB227)

SB232 Retirement System; changes early and normal retirement ages for those employed after July 1, 2010.

Chief Patron: Watkins

Summary:

Changes the early and normal retirement ages for a person who first commences employment on or after July 1, 2010, to coincide with the person's early and normal retirement ages as provided under the Social Security Act, 42 U.S.C. § 416 et seq.

Status:

01/12/10 Senate: Prefiled and ordered printed; offered 01/13/10 10103139D

01/12/10 Senate: Referred to Committee on Finance

SB272 Biodiesel and green diesel; minimum content in state contracts for vehicle fuel.

Chief Patron: Whipple

Summary:

Requires state public bodies to procure only diesel fuel containing, at a minimum, two percent, by volume, biodiesel fuel or green diesel fuel. The requirement will only apply to procurements of diesel fuel for use in on-road internal combustion engines and shall not apply if (i) such fuel is not practically available or (ii) the cost of such procurement exceeds the cost of unblended diesel fuel by five percent or more. Based on a finding of sufficient availability of biodiesel or green diesel, the Governor may increase the requirement of biodiesel fuel or green diesel fuel up to 20 percent by volume.

Status:

01/12/10 Senate: Prefiled and ordered printed; offered 01/13/10 10100653D

01/12/10 Senate: Referred to Committee on General Laws and Technology

SB312 Tuition, in-state; provides for dependents of civilian Department of Defense employees.

Chief Patron: Martin

Summary:

Provides in-state tuition for dependents of civilian Department of Defense employees located in Virginia.

Status:

01/12/10 Senate: Prefiled and ordered printed; offered 01/13/10 10100013D

01/12/10 Senate: Referred to Committee on Education and Health

01/19/10 Senate: Assigned Education sub: Higher Education

SB327 Enjoyment of easement; owner of estate shall not cause to be present any debris within 25 feet.

Chief Patron: Stuart

Summary:

Provides that the owner of the servient estate shall not cause to be present any objects of personal property, debris, or refuse, either temporarily or permanently, upon the burdened land or within 25 feet thereof. Current law provides that the owner of the servient estate shall not engage in an activity or cause to be present any objects either upon the burdened land or immediately adjacent thereto that unreasonably interfere with the enjoyment of the easement by the owner of the dominant estate.

Status:

01/12/10 Senate: Prefiled and ordered printed; offered 01/13/10 10103462D

01/12/10 Senate: Referred to Committee for Courts of Justice

01/14/10 Senate: Assigned Courts sub: Civil

SB340 Retail Sales and Use Tax Act; conforms State to provisions of Streamlined Sales & Use Tax Agreement.

Chief Patron: Hanger

Summary:

Conforms the Commonwealth's sales and use tax laws to the provisions of the Streamlined Sales and Use Tax Agreement.

Status:

01/12/10 Senate: Prefiled and ordered printed; offered 01/13/10 10101497D

01/12/10 Senate: Referred to Committee on Finance

01/24/10 Senate: Impact statement from TAX (SB340)

SB378 Historically Underutilized Business Zones (HUB Zones); established.

Companion Bill: HB1228

Chief Patron: Puckett

Summary:

Requires the Department of General Services, in conjunction with the Department of Minority Business Enterprise, to develop a program that insures that at least 15 percent of state procurement contracts are awarded to small, women-owned, and minority-owned businesses located in historically underutilized business zones (HUB Zones). The bill defines HUB Zone.

Status:

01/12/10 Senate: Prefiled and ordered printed; offered 01/13/10 10103248D

01/12/10 Senate: Referred to Committee on General Laws and Technology

01/25/10 Senate: Impact statement from DPB (SB378)

SB431 State Government Spending Accountability Act; created.

Chief Patron: Herring

Summary:

Requires state agencies to maintain a transaction register including a complete record of all funds expended over one hundred dollars. The bill also requires state agencies to post a copy of each monthly statement for all credit cards issued to officers or employees for official use and a list of all of the number of full-time employees and the average compensation in each class. In addition, the bill directs the Auditor of Public Accounts to conduct a review of the searchable databases providing expenditure, revenue, and demographic information used by other states and to incorporate best practices for ease of use and transparency of state agency expenditures.

Status:

01/13/10 Senate: Prefiled and ordered printed; offered 01/13/10 10103820D

01/13/10 Senate: Referred to Committee on Finance

01/19/10 Senate: Impact statement from DPB (SB431)

SB456 Security for Public Deposits Act; makes several amendments to Act, administered by Treasury Board.

Companion Bill: HB1036

Chief Patron: McEachin

Summary:

Makes several amendments to the Virginia Security for Public Deposits Act, which is administered by the Treasury Board. The bill changes the definition of public funds to public deposits and expands the definition to include the various funds that are held by public entities, and requires all of those funds to be collateralized. In addition, the bill allows thrift institutions, including savings banks and savings and loan associations, to participate in the collateral pool, which was previously only available to banks. The bill also (i) clarifies the procedure for payment of losses in the event of a default, (ii) adds definitions for qualified escrow agent, public depositor, pooled method, and dedicated method, and (iii) makes several technical amendments.

Status:

01/13/10 Senate: Prefiled and ordered printed; offered 01/13/10 10103653D

01/13/10 Senate: Referred to Committee on General Laws and Technology

01/20/10 Senate: Reported from General Laws and Technology (15-Y 0-N)

01/22/10 Senate: Constitutional reading dispensed (39-Y 0-N)

01/25/10 Senate: Read second time and engrossed

SB464 Health insurance; mandated coverage for autism spectrum disorder.

Chief Patron: Howell

Summary:

Requires health insurers, health care subscription plans, and health maintenance organizations to provide coverage for the diagnosis and treatment of autism spectrum disorder in individuals from the date of diagnosis until they reach 10 years of age. This requirement does not apply to individual or small group policies, contracts, or plans, and will not apply to the state employees' health insurance plan until July 1, 2015.

Status:

01/13/10 Senate: Prefiled and ordered printed; offered 01/13/10 10103458D

01/13/10 Senate: Referred to Committee on Commerce and Labor

SB534 Administration of higher education; restructures system.

Chief Patron: McDougle

Summary:

Restructures the system of higher education by abolishing the State Council of Higher Education for Virginia and the Chancellor and Board for the Virginia Community College System and transferring certain of their duties to the Secretary of Education, the Board of Education, and the Department for Veterans Services. Other Code sections pertaining to these agencies have been repealed. This bill also creates the Virginia Higher Education Advisory Board as an advisory board within the executive branch of state government. Members of the Board are appointed by the Governor. The Board is charged with advising the Governor, General Assembly, and Secretary of Education on the development and operation of a seamless and educationally and economically sound and coordinated system of higher education in the Commonwealth, including the establishment, control, and administration of the Virginia Community College System. The duties and responsibilities of the Secretary of Education have been expanded to authorize the Secretary to oversee the system of higher education. The terms of current appointees to the State Council of Higher Education and the Board for the Virginia Community College System will expire on July 1, 2010. The bill also makes several technical amendments.

Status:

01/13/10 Senate: Prefiled and ordered printed; offered 01/13/10 10103896D

01/13/10 Senate: Referred to Committee on Education and Health

SB544 Tuition, in-state; certain Department of Defense employees as result of Base Realignment & Closure.

Companion Bill: HB1239

Chief Patron: Colgan

Summary:

Provides that any civilian employees of the Department of Defense that are realigned to Virginia as a result of Base Realignment and Closure, and their dependents, shall pay the in-state tuition rate at the public institution of higher education in which they are enrolled.

Status:

01/13/10 Senate: Prefiled and ordered printed; offered 01/13/10 10103607D

01/13/10 Senate: Referred to Committee on Education and Health

01/19/10 Senate: Assigned Education sub: Higher Education

SB573 Kinesiotherapists; licensure.

Chief Patron: Ticer

Summary:

Creates a Board of Kinesiotherapy within the Department of Health Professions responsible for the licensure and regulation of kinesiotherapists.

Status:

01/13/10 Senate: Prefiled and ordered printed; offered 01/13/10 10101458D

01/13/10 Senate: Referred to Committee on Education and Health

SB581 State Law Library Database; created, Supreme Court of Virginia to oversee.

Chief Patron: Marsden

Summary:

Requires the Supreme Court to require and oversee the State Law Library's creation of the Commonwealth Law Library Database (the database). The database shall include a list of resources contained in the law libraries located at the George Mason University School of Law, the Marshall-Wythe School of Law of the College of William and Mary, and the University of Virginia, and all other public law libraries located in the Commonwealth. The bill requires that the database be maintained on the website of the Supreme Court and be accessible to the public. The librarian of the State Law Library or his designee shall be the administrator of the database and shall update the database quarterly. The bill also grants access right to the State Law Library to the staff of members of the General Assembly.

Status:

01/13/10 Senate: Prefiled and ordered printed; offered 01/13/10 10102128D

01/13/10 Senate: Referred to Committee on General Laws and Technology

01/20/10 Senate: Continued to 2011 in General Laws and Technology (15-Y 0-N)

01/20/10 Senate: Committee amendments

SB650 Stormwater regulation; amends current law.

Companion Bill: HB987

Chief Patron: Quayle

Summary:

Amends current law by removing the requirement that waivers given to federal, state, or local government agencies that develop, redevelop or retrofit outfalls, discharges or property so that there is a permanent reduction in postdevelopment stormwater flow and pollutant loading be full waivers. The amount of the waiver to such agencies shall be equal to the product of the fee that would be charged to the agency multiplied by the percentage of the stormwater runoff captured by the agency's storm drainage or stormwater control facilities.

Status:

01/20/10 Senate: Presented and ordered printed 10104159D

01/20/10 Senate: Referred to Committee on Local Government

SB658 Historically Underutilized Business Zones (HUB Zones); established.

Chief Patron: Ruff

Summary:

Requires the Department of General Services to develop a program that insures that at least 15 percent of state procurement contracts are awarded to small businesses located in historically underutilized business zones (HUB Zones). The bill defines HUB Zone.

Status:

01/20/10 Senate: Presented and ordered printed 10104129D

01/20/10 Senate: Referred to Committee on General Laws and Technology

SB697 Medicaid; managed care.

Chief Patron: McWaters

Summary:

Directs the Department of Medical Assistance Services to continue efforts to expand managed care of Medicaid recipients throughout the Commonwealth, to the extent possible. The Department shall have a goal of achieving statewide managed care by July 1, 2012.

Status:

01/22/10 Senate: Presented and ordered printed 10104157D

01/22/10 Senate: Referred to Committee on Education and Health

01/25/10 Senate: Assigned Education sub: Health Care

SB700 Department of Human Resource Management; implementation of management-to-staff ratios.

Chief Patron: Stosch

Summary:

Requires the Department of Human Resource Management to develop procedures for the implementation of the management-to-staff ratio schedule for state agencies in the executive branch. The schedule for implementation in the bill provides for state agencies employing more than 100 full-time employees to have a ratio of one full-time employee in a management position for every 11 full-time employees in nonmanagerial staff positions by July 1, 2012.

Status:

01/22/10 Senate: Presented and ordered printed 10104467D

01/22/10 Senate: Referred to Committee on General Laws and Technology

SB718 Private capital lending for local governments and public institutions of higher education.

Chief Patron: Norment

Summary:

Allows a local government or public institution of higher education to enter into certain conduit lending agreements to finance certain capital projects.

Status:

01/22/10 Senate: Presented and ordered printed 10104196D

01/22/10 Senate: Referred to Committee on Local Government

SB720 Tuition charges; covered institutions of higher education.

Chief Patron: Norment

Summary:

Authorizes the covered institutions governed by Subchapter 3 (§ 23-38.91 et seq.) of the Restructured Higher Education Financial and Administrative Operations Act to charge either a fixed tuition amount or a variable tuition amount based on ability to pay.

Status:

01/22/10 Senate: Presented and ordered printed 10104152D

01/22/10 Senate: Referred to Committee on Education and Health