

2010 GENERAL ASSEMBLY SESSION SUMMARY OF KEY LEGISLATION AFFECTING U.VA.

ACADEMICS & RESEARCH

HB211 (Bulova) - Freedom of Information Act; definition of scholastic record. 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.

HB676 (May)/SB23 (Locke) - Aerospace Advisory Council. Removes the sunset on the Aerospace Advisory Council and adds five nonlegislative citizen members to the Council. In addition to advising the Governor, the Council shall advise the Joint Commission on Technology and Science, and the Secretaries of Technology, Commerce and Trade, and Education, on policy and funding priorities with respect to aerospace development, workforce training, and educational programs and curriculum. Staffing for the Council is provided by the Department of Aviation, with the Division of Legislative Services providing additional staff support to legislative members serving on the Council. Nonlegislative citizen members serve without compensation.

HB928 (Rob Bell) - Virginia Universities Clean Energy Development and Economic Stimulus Foundation. Creates the Virginia Universities Clean Energy Development and Economic Stimulus Foundation as a body corporate and a political subdivision of the Commonwealth. The Foundation shall identify, obtain, disburse, and administer funding for (i) research and development of alternative fuels, clean energy production, and related technologies; (ii) support of economic development projects in disadvantaged rural areas; and (iii) the provision of assistance in the commercialization of alternative fuels and clean energy technologies. Funding shall be awarded only to those proposed projects that best meet the established criteria and purposes of this act.

HB1066 (Athey) - State Council of Higher Education for Virginia; uniform general studies certificate. 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 and Virginia public institutions of higher education, to be offered at each community college in Virginia. The program must ensure that a community college student who completes the one-year certificate program may transfer all credits to a four-year public institution of higher education in the Commonwealth, upon acceptance to the institution.

HB1389 (Peace)/SB736 (Newman) - College Partnership Laboratory Schools. Allows for the establishment of college partnership laboratory schools by any public institution of higher education that operates an approved teacher education program. Such schools shall be public schools established by a contract between the governing board of the school and the Board of Education. Teachers working in such schools shall be employees of the institution of higher education and shall either be licensed by the Board or eligible for such license.

SB209 (Barker) - International Baccalaureate; course credit. Requires the governing boards of each public institution of higher education to implement policies regarding the granting of credit for International Baccalaureate and Advanced Placement courses. 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.

SJ32 (Wampler) - Study; directing the Joint Legislative Audit and Review Commission to study the role of the Secretary of Education in improving coordination between K-12, community colleges, and four-year institutions of higher education; report. Directs the Joint Legislative Audit and

Review Commission to study the role of the Secretary of Education in improving coordination between K-12, community colleges, and four-year institutions of higher education. In conducting its study, JLARC shall (i) examine the statutory authority and duties of the Secretary of Education in overseeing education in the Commonwealth from K-12 through higher education, (ii) consider possible ways of expanding such authority or duties in order to better coordinate education at all levels throughout the Commonwealth, (iii) emphasize the need to better anticipate the workforce needs of the Commonwealth, and ways to direct students toward education and training that will fulfill those needs, and (iv) make recommendations as to how to accomplish these objectives legislatively or otherwise.

ADMINISTRATION

HB444 (Toscano) - State and Local Government Conflict of Interests Act; prohibited contracts; exceptions. 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.

HB485 (Lingamfelter) - Financial and management review of all state agencies. 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 Education, including primary and secondary education funded by the Commonwealth, and (iii) 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. The review would be conducted only pursuant to a fixed price contract.

HB737 (Albo) - E-Verify Program. Requires agencies of the Commonwealth to enroll in the E-Verify Program by December 1, 2012, and to use the Program for each newly hired employee who is to perform work within the Commonwealth.

2010-12 BIENNIAL BUDGET

HB30 (Putney) - Budget Bill. Appropriations of the Budget submitted by the Governor of Virginia providing a portion of revenues for the two years ending respectively on the thirtieth day of June, 2011, and the thirtieth day of June, 2012.

- *Item 96 - Rolls Royce.* Provides \$12,769,000 in FY2011 and \$7,517,000 in FY2012 for chaired professorships, research, laboratory renovations, community college programs, graduate student and internships endowments, workforce training, project management, and training grants.
- *Item 138 - Eminent Scholars Program.* Reduces state match funding by \$1.7M in each year for the Eminent Scholars Program. For UVa, this is a decrease of \$800,000 in each year.
- *Item 187 - ARRA Funding.* Provides \$21,892,717 in FY2011 for E&G and financial aid (intended to increase student access and moderate GF reductions and tuition increases).
- *Item 297 - Indigent Health Care.* Decreases indigent care funding at teaching hospitals by \$7.1M in each year. For UVa, this is a decrease of \$2.7M in each year. If enhanced Federal Medical Assistance is extended, funding reduction will be restored.
- *Item 469D - Deferred Compensation Cash Match.* Reduces maximum cash match to \$20/month in FY2011; restores match to \$40/month in FY2012.
- *Item 469K & L - Employee Retirement.* Provides that employees hired after June 30, 2010 who are VRS members must pay 5% of salary into the plan. Reduces rate for employees hired after June 30, 2010 who participate in the ORP to 8.5%, and provides that employees must pay an additional 5% of salary into the plan.

- *Item 469S - Employee Bonus.* All employees, employed on June 30, 2010, shall receive a 3% bonus on December 16, 2010, contingent on FY2010 GF revenue collections exceeding official revenue estimates by at least \$82.2M. If surplus revenues are less than \$82.2M, employee bonus will be prorated.
- *§4-5.01.b.3.d - Grants to Graduate Students.* Amends language allowing GF graduate financial aid to be awarded without the 50% OOS restriction to OOS graduate students who are considered resident students due to earning \$4,000 or more annually as a teaching, research, or graduate assistant.

Visit the State Budget Web site for additional information on the 2010-12 biennial budget:
<http://leg2.state.va.us/MoneyWeb.NSF/SB2010>.

COMMENDATIONS

HJ152 (Toscano) - Commending the University of Virginia men's soccer team.

HJ263 (Rob Bell)/SJ193 (Deeds) - Commending Leonard W. Sandridge.

HJ290 (Toscano)/SJ191 (Houck) - Commending John Thomas Casteen III.

HJ320 (Knight) - Commending Helen Dragas.

EMPLOYEE RETIREMENT

HB1189 (Putney)/SB232 (Watkins) - Virginia Retirement System; new employees. Modifies for new employees, all the defined benefit retirement plans administered by the Virginia Retirement System ("VRS"), as follows: (i) requires employees to contribute five percent of creditable compensation (only local employers would be allowed to pick up this contribution), (ii) increases the number of months used to calculate average final compensation from 36 to 60, (iii) increases the cost, and decreases the time in which employees may purchase certain prior service credits, and (iv) 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 of the next four percent to two percent plus one-

half of the next eight percent. The bill also decreases the Commonwealth's contribution for employees in institutions of higher education participating in an optional retirement plans from 10.4 percent to 8.5 percent of creditable compensation. However, institutions of higher education may provide an additional contribution up to 0.4 percent each year at their own cost. New employees of institutions of higher education would also be required to contribute five percent of salary.

In addition to these modifications, for new state and local employees covered under the main defined benefit plan, (i.e. excluding the separate plans for state and local law-enforcement employees and judges), the bill (a) changes the requirements for unreduced early retirement benefits from 50 years of age and 30 years of creditable service, to one whereby the sum of age plus years of service equals 90 and (b) sets the person's normal retirement date as his normal retirement date for federal social security. The bill would allow reduced early retirement to be taken only by those persons who have attained the age of 60 with at least five years of creditable service. Finally, for judges appointed or elected to an original term commencing on or after July 1, 2010, service as a judge would be multiplied by the weighted years of service factor of (i) 1.5 if the person was less than 45 at the time of such original term, (ii) 2.0 if the person was at least 45 but less than 55 at the time of such original term, and (iii) 2.5 if the person was at least 55 at the time of such original term.

HEALTH-RELATED

HB10 (Bob Marshall), SB283 (Quayle), SB311 (Martin), SB417(Vogel) - Individual health insurance coverage; requirement to obtain. Provides that a resident of the Commonwealth shall not be required to obtain or maintain a policy of individual insurance coverage except as required by a court or the Department of Social Services where the individual is named a party in a judicial or administrative proceeding. This applies regardless of whether the person has or is eligible for health insurance coverage under any policy or program provided by or through his employer or a plan sponsored by the Commonwealth or the federal government. The measure also states that no provision of Title 38.2 renders a resident liable for

any penalty, assessment, fee, or fine as a result of his failure to procure or obtain health insurance coverage. The measure does not apply to individuals voluntarily accepting coverage under a state-administered Medicare or Medicaid program, or to students required by institutions of higher education to be insured as a condition of enrollment. The measure states that it does not impair the rights of persons to privately contract for health insurance for current or former family members.

HB1263 (Lee Ware)/SB622 (Wampler) - Dental plans; reimbursement for health care services. Prohibits a contract between a dental plan and a dentist or oral surgeon from establishing the fee or rate that the dentist or oral surgeon is required to accept for the provision of health care services, or from requiring that a dentist or oral surgeon accept the reimbursement paid by the dental plan as payment in full, unless the services are covered services under the dental plan. The measure applies to contracts entered into, amended, extended, or renewed on or after July 1, 2010. The State Corporation Commission does not have jurisdiction to adjudicate individual controversies arising out of this measure.

HJ27 (Purkey) - Study; indigent health care in the Commonwealth; report. Directs the Joint Commission on Health Care to (i) determine the volume of indigent health care provided by private, specialty, and not-for-profit hospitals in the Commonwealth; (ii) determine the financial cost of indigent health care to private, specialty, and not-for-profit hospitals in the Commonwealth; and (iii) identify and analyze potential tax and other incentives that may be offered to private and specialty hospitals and other health care providers to encourage the provision of care to indigent individuals.

SB675 (Wampler) - Health insurance; mandated coverage for telemedicine services. Requires health insurers, health care subscription plans, and health

maintenance organizations to provide coverage for the cost of such health care services provided through telemedicine services. "Telemedicine services" means the use of interactive audio, video, or other electronic media for the purpose of diagnosis, consultation, or treatment. Utilization review may be undertaken to determine the appropriateness of telemedicine services.

SAFETY & SECURITY

HB903 (Rob Bell)/SB207 (Edwards) - Threat assessment teams; records. Authorizes threat assessment teams to receive health and criminal history records of students for the purposes of assessment and intervention, and exempts records of threat assessment teams from the Freedom of Information Act. However, if an individual who had been under assessment commits certain violent acts, any records created by the team shall be made publicly available.

HB1162 (Cosgrove)/SB8 (Blevins) - Statewide Fire Prevention Code; State Fire Marshal; regulation of pyrotechnicians and fireworks operators. 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. The bill also (i) adds a definition of fireworks operator or pyrotechnician, (ii) requires that at least one person holding a valid certification is present at the site where the fireworks display is being conducted, (iii) provides clarifies that the certification requirement does not apply to the use or display of permissible fireworks or in connection with any fireworks display conducted by a volunteer fire department provided one member of the volunteer fire department holds a valid certification.

The above listing represents a small sample of legislation enacted by the 2010 General Assembly and applicable to the University. For a complete listing, access the Law Report on the State Governmental Relations website at <http://www.virginia.edu/governmentalrelations/reports.html>.

Visit the online Legislative Information System at <http://leg6.state.va.us/> to read the full text of legislation.