

**University of Virginia -- Office of State Governmental Relations
LAW REPORT**

April 21, 2011

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HB1399 Virginia Fraud Against Taxpayers Act; waiver of sovereign immunity.

Chief Patron: Janis

Summary:

Provides that the Virginia Fraud Against Taxpayers Act expressly waives sovereign immunity and creates a cause of action for an employee of the Commonwealth, its agencies, or any political subdivision against such entity if an adverse employment action is taken against the employee by his employer because the employee has opposed any practice by his employer prohibited by the Act or participated in an investigation, action, or hearing under the Act. Any relief awarded to an employee under this bill shall be reduced by any amount awarded to the employee through a state or local grievance process. This bill is in response to the Virginia Supreme Court's decision in *Ligon v. Goochland*, 279 Va. 312 (2010).

Law Advice: FYI - No Direct Impact

HB1422 Homestead exemptions; adds one firearm, not to exceed \$3,000 value, to list of exemptions.

Companion Bill: SB839

Chief Patron: Albo

Summary:

Adds one family firearm, not to exceed \$3,000 in value, to the list of items that every householder shall be entitled to hold exempt from creditor process. The bill also increases the maximum exemption for a motor vehicle from \$2,000 to \$6,000. This bill incorporates HB 1471, HB 1494, and HB 2428. This bill is identical to SB 839.

Law Advice: New Requirement

HB1435 American Sign Language; recognition for completed coursework.

Chief Patron: Bell, Richard P.

Summary:

Provides that if a local school board offers an elective course in American Sign Language, it must grant academic credit for course completion on the same basis as the successful completion of a foreign language course and count course completion in American Sign Language toward the fulfillment of any foreign language requirement for graduation. Additionally, the bill requires public institutions of higher education to count academic credit received for successful completion of American Sign Language courses in a secondary school or higher education institution toward satisfaction of the foreign language entrance requirements.

Law Advice: New Requirement

HB1447 Income tax, state; research and development expenses tax credit.

Chief Patron: Cline

Summary:

Allows income tax credits for individuals and businesses for qualified research and development expenses for taxable years beginning on or after January 1, 2011, but before January 1, 2016. The tax credit amounts are (i) 15 percent of the first \$167,000 in Virginia qualified research and development expenses, or (ii) 20 percent of the first \$175,000 of Virginia qualified research and development expenses if the research was conducted in conjunction with a Virginia public or private college or university, to the extent the expenses exceed a base amount. The Tax Department shall

develop policies and procedures for the application process for the tax credits. There is a \$5 million cap on the total amount of credits allowed in any fiscal year. Incorporates HB 2325.

Law Advice: FYI - No Direct Impact

HB1457 Freedom of Information Act; violations and penalties.

Chief Patron: Marshall, R.G.

Summary:

Doubles the civil penalties imposed for willful and knowing violations of FOIA. The bill also clarifies existing law that officers, employees, and members of public bodies may be subject to the civil penalties for knowing and willful violations of FOIA.

Law Advice: Change in Requirement

HB1459 Medical malpractice; increases cap on recovery in actions against health care providers.

Companion Bill: SB771

Chief Patron: Albo

Summary:

Increases from \$2 million to \$2.05 million, on July 1, 2012, the cap on the recovery in actions against health care providers for medical malpractice. Thereafter, the cap is increased by \$50,000 annually with the last increase on July 1, 2031. This bill is identical to SB 771.

Law Advice: FYI - No Direct Impact

HB1475 Workers' compensation; presumption that certain injuries are work related.

Companion Bill: SB823

Chief Patron: Ware, O.

Summary:

Creates a presumption, in the absence of a preponderance of evidence to the contrary, that an injury is work related. The presumption arises in a claim for compensation under the Workers' Compensation Act where an employee is physically or mentally unable to testify and there is unrebutted prima facie evidence that the injury was work related. SB 823 is identical.

Law Advice: FYI - No Direct Impact

HB1514 Virginia Disability Commission; clarifies that Commission shall serve as primary forum in State.

Chief Patron: Orrock

Summary:

Clarifies that the Virginia Disability Commission shall serve as the primary forum in the Commonwealth where the needs of and issues affecting people with physical and sensory disabilities are identified and addressed, and provides that the Commission shall serve as the primary body for coordinating proposals and recommendations of all commissions and agencies for legislation or budget actions affecting persons with physical and sensory disabilities,

including receiving, reviewing, and responding to proposals and recommendations. The bill also provides that the Commission shall report its recommendations related to legislative priorities and policies for adoption or examination by the General Assembly to the General Assembly and the Governor by October 1 of each year.

Law Advice: FYI - No Direct Impact

HB1535 Licensure or certification by Board of Medicine, etc.; consideration of military experience.

Chief Patron: Merricks

Summary:

Provides that the Boards of Medicine and Nursing shall consider and may accept relevant practical experience and didactic and clinical components of education and training completed by an applicant for licensure as a respiratory care practitioner; occupational therapist; radiologist assistant; radiologic technologist; radiologic technologist, limited; registered nurse; and practical nurse and for certification as a nurse aide during his service as a member of any branch of the armed forces of the United States as evidence of satisfaction of the educational requirements for licensure or certification, as appropriate.

Law Advice: FYI - No Direct Impact

HB1592 Public procurement; state agencies to put requests for bids, etc., on DGS' website.

Chief Patron: Iaquinto

Summary:

Requires all state authorities, agencies, institutions, departments, and other units of state government to put requests for proposal and invitations to bid on the Department of General Services' website. The bill encourages, but does not require, local public bodies to likewise.

Law Advice: FYI - No Direct Impact

Exempt under Restructuring

HB1605 Patient records; falsifying records with intent to defraud is guilty of Class 1 misdemeanor.

Chief Patron: Loupassi

Summary:

Rewrites statute on the fraudulent falsification of patient records, which is a Class 3 misdemeanor, to require intent to defraud and makes it a Class 1 misdemeanor.

Law Advice: FYI - No Direct Impact

HB1647 Higher educational institutions; military reinstatement guidelines.

Chief Patron: Tata

Summary:

Updates language requiring the State Council of Higher Education to issue and update military reinstatement guidelines to allow reinstatement for students whose service in the uniformed services has required sudden withdrawal or prolonged absence from enrollment in a public institution of higher education.

Law Advice: FYI - No Direct Impact

HB1658 Public-Private Transportation Act of 1995; public entities shall provide notice of receipt, etc.

Chief Patron: Purkey

Summary:

Provides that any responsible public entity that is a state agency receiving a detailed proposal from a private entity for a qualifying transportation facility that is a port facility shall provide notice to the Public-Private Partnership Advisory Commission.

Law Advice: New Requirement

HB1690 Battery; if person commits against emergency health care providers, penalty.

Chief Patron: Stolle

Summary:

Provides that the punishment for battery of a health care provider who is engaged in the performance of his duties as an emergency health care provider in an emergency room of a hospital or clinic or on the premises of any other facility rendering emergency medical care is a Class 1 misdemeanor, including a term of confinement of 15 days in jail, two days of which shall be a mandatory minimum term of confinement.

Law Advice: FYI - No Direct Impact

HB1693 Eminent domain; changes maximum limit on waiver of appraisals.

Chief Patron: Athey

Summary:

Changes the maximum property value subject to waiver of appraisals for real property being acquired by a state agency from \$10,000 to \$25,000, consistent with the amount allowed by federal regulations. If the value of the property is determined to be between \$10,000 and \$25,000, the state agency shall disclose that the valuation was not based on an appraisal and that the property owner may request that an appraisal be made.

Law Advice: FYI - No Direct Impact

HB1705 Workers' compensation; modifications to employee's home and automobile.

Chief Patron: Lewis

Summary:

Authorizes the Workers' Compensation Commission, in awards entered for incapacity for work, to require the employer to furnish and maintain modifications to or equipment for the injured employee's automobile. Such awards may be made upon the determination by the treating physician and the Commission that they are medically necessary. Such an award may be in addition to currently authorized awards for bedside lifts, adjustable beds, and home modifications. The measure also increases the maximum aggregate cost of all such items and modifications on account of any one accident from \$25,000 to \$42,000.

Law Advice: Change in Requirement

HB1747 Child pornography; possession by law-enforcement agency.

Companion Bill: SB1260

Chief Patron: Watts

Summary:

Provides that an employee of a law-enforcement agency may lawfully possess child pornography for a bona fide law-enforcement purpose. This bill is identical to SB 1260.

Law Advice: New Authority

HB1773 Veterans Affairs and Homeland Security, Secretary of; establishes position.

Companion Bill: SB1263

Chief Patron: Sherwood

Summary:

Establishes the Office of the Secretary of Veterans Affairs and Homeland Security with responsibility to the Governor for veterans services and homeland preparedness and security. The state entities reporting through the new Secretary's Office are the Department of Veterans Services, Secure Commonwealth Panel, Veterans Services Foundation, Virginia Military Advisory Council, and Virginia War Memorial Foundation. The bill also makes technical changes and is identical to SB 1263. The bill has an emergency clause.

Law Advice: FYI - No Direct Impact

Effective April 6, 2011

HB1774 State of emergency; preparation for response.

Companion Bill: SB891

Chief Patron: Sherwood

Summary:

Authorizes the Governor to allocate a sum sufficient for preparation of the Virginia National Guard and the Virginia State Defense Force to respond to certain enumerated circumstances, regardless of whether or not an official state of emergency is declared. However, the response preparation is limited to 300 personnel and five days, unless a state of emergency is declared. The bill also makes technical amendments. This bill is identical to SB 891.

Law Advice: FYI - No Direct Impact

HB1794 Retirement System; collection of overpayments.

Chief Patron: Tata

Summary:

Authorizes the Virginia Retirement System to collect overpayment of retirement benefits from the retiree's employer under certain conditions.

Law Advice: FYI - No Direct Impact

HB1795 Retirement System; difference in benefits for employee who becomes member on or after July 1, 2010.

Chief Patron: Tata

Summary:

Amends certain provisions of the Workforce Transition Act and retirement plans administered by the Virginia Retirement System to recognize the difference in benefits accorded a person who becomes a Virginia Retirement System member before July 1, 2010, and on or after July 1, 2010.

Law Advice: FYI - No Direct Impact

HB1796 Retirement System; technical changes.

Chief Patron: Tata

Summary:

Makes certain technical changes to the administration of various Virginia Retirement System plans, including (i) permitting multiple deductions for purchase of prior service and for the purchase of partial months; (ii) clarifying the extent of coverage for the voluntary long-term care insurance programs previously administered by the Department of Human Resources Management; (iii) clarifying the retirement options of persons receiving disability benefits under the Virginia Sickness and Disability Program; (iv) clarifying the eligibility for the health insurance credit as it relates to participants in the defined contribution plan for certain employees of public school divisions; and (v) clarifying the eligibility for participants in the defined contribution plan for certain political appointees to participate in the retiree health benefits program.

Law Advice: FYI - No Direct Impact

HB1797 Long-term care insurance; State employees in Sickness and Disability Program are to benefit.

Chief Patron: Tata

Summary:

Clarifies that only employees participating in the Virginia Sickness and Disability Program are to benefit from long-term care insurance paid for by the Commonwealth for state employees. The bill also provides that the long-term care insurance program is to include provisions under which a person may purchase continuing coverage if he ceases to participate in the Virginia Sickness and Disability Program.

Law Advice: FYI - No Direct Impact

HB1819 Professional and Occupational Regulation, Department of; registration of athlete agents, penalty.

Chief Patron: Ware, R.L.

Summary:

Creates a registration requirement for athlete agents administered by the Director of the Department of Professional and Occupational Regulation, sets out the requirements for registration and conduct of athlete agents, and provides for administrative, civil, and criminal penalties. The bill has a delayed effective date of January 1, 2012.

Law Advice: New Authority

Delayed effective date: January 1, 2012

HB1831 Fertilizer; regulation of application and labeling.

Companion Bill: SB1055

Chief Patron: Scott, E.T.

Summary:

Prohibits the sale, distribution and use of lawn maintenance fertilizer containing phosphorus beginning December 31, 2013. The prohibition does not apply to starter fertilizer, manipulated manure, yard waste compost, products derived from sewage sledge, soils containing fertilizer and fertilizer products intended for gardening, tree, shrub and indoor planting application, including nurseries, or reclaimed water. Also, beginning on December 31, 2013, it will be unlawful to offer for sale any deicing agent containing urea, nitrogen, or phosphorus intended for application on parking lots, roadways, and sidewalks, or other paved surfaces. However, retailers are allowed to sell their existing inventory of lawn maintenance fertilizer and deicing agents. On this date, a label will be required on bags of lawn fertilizer that states that the product should not be applied near storm drains or drainage ditches or when heavy rain is expected.

Law Advice: New Requirement

U.Va. is already in compliance with the provisions of HB1831/SB1055

HB1836 Infants; blood sample provided to parents.

Chief Patron: O'Bannon

Summary:

Requires every hospital providing maternity care to offer to obtain a sample of blood from an infant born at the hospital and provide that sample to the mother of the infant. This bill has a delayed effective date of July 1, 2012.

Law Advice: New Requirement

Delayed effective date: July 1, 2012

HB1842 Boards, commissions, and councils; makes policy improvements and clarifications.

Companion Bill: SB1280

Chief Patron: Cole

Summary:

Makes policy improvements and clarifications to several state boards, commissions, and councils including (i) establishing staggered terms for nonlegislative citizen members appointed by the Governor, (ii) clarifying the Governor's authority when provided lists of nominees by nongovernmental entities, and (iii) standardizing the terms of chairmen of entities appointed by the Governor to two years and limiting such appointees to two consecutive terms as chair. The bill contains technical amendments. This bill is identical to SB 1280.

Law Advice: Change in Requirement

See § 2.2-2400, directing BOV to nominate two or more persons to the Art and Architectural Review Board, one of which may be appointed by the Governor

HB1848 Tuition, in-state; eligibility for spouse of an active duty military service member.

Companion Bill: SB1279

Chief Patron: Stolle

Summary:

Ensures that the established Virginia domicile of a spouse of an active duty military service member, and therefore in-state tuition eligibility, must not be affected by the establishment and maintenance of a place of residence in another jurisdiction for the purpose of maintaining a joint household with such member. The bill also provides that the spouse of an active duty military service member, if such spouse has established domicile and claimed a dependent student on federal or state income tax returns, must not be subject to minimum income tests or requirements. This bill is identical to SB 1279.

Law Advice: Change in Requirement

HB1859 Public Procurement Act; state agencies to include in contract that contractor use E-Verify program.

Companion Bill: SB1049

Chief Patron: Anderson

Summary:

Provides that any employer with more than an average of 50 employees for the previous 12 months entering into a contract in excess of \$50,000 with any agency of the Commonwealth to perform work or provide services pursuant to such contract shall register and participate in the federal E-Verify program to verify information and work authorization of its newly hired employees performing work pursuant to such public contract. Any such employer who fails to comply shall be debarred from contracting with any agency of the Commonwealth for a period up to one year. Such debarment shall cease upon the employer's registration and participation in the E-Verify program. This bill is identical to SB 1049.

Law Advice: FYI - No Direct Impact

Exempt under Restructuring; delayed effective date: December 1, 2013

HB1861 Tuition, in-state; eligibility for veterans who elect to establish Virginia as residence.

Companion Bill: SB824

Chief Patron: Anderson

Summary:

Authorizes certain veterans who elect to establish Virginia as their permanent residence for domiciliary purposes to establish immediate residency in Virginia and become eligible for in-state tuition, rather than waiting the required one-year period. This bill is identical to SB 824.

Law Advice: New Requirement

HB1877 Immunity of officers, etc., of nonprofit organizations; termination, etc., of corporation.

Companion Bill: SB841

Chief Patron: Filler-Corn

Summary:

Provides that the immunity from civil liability the directors and other officers of tax exempt organizations enjoy for acts taken in their official capacities shall survive the termination, cancellation, or other discontinuance of the organization. This bill is identical to SB 841.

Law Advice: Change in Requirement

HB1910 Cambridge Advanced Exams; course credit.

Companion Bill: SB1448

Chief Patron: Miller, J.H.

Summary:

Requires the governing boards of each public institution of higher education to implement policies regarding the granting of credit for Cambridge Advanced (A/AS) examinations. The bill also provides that each institution's policy for course credit for Cambridge Advanced (A/AS) courses must be comparable to its policies for granting course credit for Advanced Placement courses. This bill is identical to SB 1448.

Law Advice: New Requirement

HB1912 Commonwealth Energy Policy; SCC to consider effect of proposed facility on economic development.

Chief Patron: Miller, J.H.

Summary:

Directs the State Corporation Commission (SCC), when required to approve the construction of an electric utility facility, to consider the economic and job creation objectives of the Commonwealth Energy Policy. The SCC is also directed, when determining the reasonableness or prudence of a utility's use of renewable energy resources, to consider the extent to which the use of such resources furthers the objectives of the Commonwealth Energy Policy and whether the cost of such resources is likely to result in unreasonable increases in rates paid by consumers.

Law Advice: FYI - No Direct Impact

HB1929 Public Procurement Act; price matching by State's businesses.

Chief Patron: Marshall, D.W.

Summary:

Provides that whenever the lowest responsive and responsible bidder is a resident of any other state and such state allows a resident contractor of that state a price-matching preference, then a like preference shall be allowed to responsive and responsible bidders who are residents of Virginia.

Law Advice: FYI - No Direct Impact

Exempt under Restructuring

HB1947 Right to enter on land; removes requirement for notice of intent be sent by certified mail.

Chief Patron: Cox, J.A.

Summary:

Removes the requirement that notice of intent to enter be sent by certified mail. The bill also eliminates the required

waiting period if the landowner agrees to or requests an earlier date of entry than that specified in the notice.

Law Advice: FYI - No Direct Impact

HB1951 Public Procurement Act; raises minimum contract amount required for bid, performance, etc.

Chief Patron: Villanueva

Summary:

Raises the minimum contract amount required for bid, performance, or payment bonds from \$100,000 to \$500,000 for nontransportation-related construction projects. The bill provides that for nontransportation-related construction projects between \$100,000 and \$500,000 where the bond requirements are waived, the prospective contractors must be prequalified. The amount (\$250,000) for transportation-related projects partially or wholly funded by the Commonwealth, however, remains the same.

Law Advice: FYI - No Direct Impact

Exempt under Restructuring

HB1968 Physician assistants; signature to be included when law requires signature, etc., of a physician.

Chief Patron: Robinson

Summary:

Provides that whenever any law or regulation requires a signature, certification, stamp, verification, affidavit, or endorsement by a physician, it shall be deemed to include a signature, certification, stamp, verification, affidavit, or endorsement by a physician assistant.

Law Advice: New Authority

HB1982 Governor's Development Opportunity Fund; criteria for grants or loans from Fund.

Companion Bill: SB1379

Chief Patron: Kilgore

Summary:

Reduces, among other things, the threshold for private investment and new job creation from \$10 million and 100 new jobs to \$5 million and at least 50 new jobs, and allows for awards from the Fund for projects with a minimum private investment of \$100 million that create at least 25 new jobs. The bill also sets forth new investment and job creation thresholds for projects in fiscally stressed localities. This bill incorporates HB 2112, HB 2234, and HB 2240 and is identical to SB 1379.

Law Advice: FYI - No Direct Impact

HB2003 Real property; DGS to inventory all property owned and update at least annually.

Companion Bill: SB1257

Chief Patron: LeMunyon

Summary:

Changes the fund to receive the 50 percent portion of the proceeds from the sale, lease, or conveyance of surplus property owned by the Commonwealth from the Conservation Resources Fund to the State Park Acquisition and Development Fund. The bill requires the Department of General Services to develop the criteria for and conduct an inventory of all real property, as defined in § 2.2-1147, owned by state departments, agencies, and institutions by January 1, 2012, and update the inventory at least annually thereafter. In addition, the bill requires the Department to provide a listing of surplus real property owned by the Commonwealth on its website with a description of the properties, including parcel identification.

Law Advice: FYI - No Direct Impact

Exempt under Restructuring

HB2017 Death certificates; organ procurement organizations to determine suitability of organs for donation.

Chief Patron: Alexander

Summary:

Requires the State Registrar or the city or county registrar to disclose data about or issue a certified copy of a death certificate to a nonprofit organ, eye or tissue procurement organization that is a member of the Virginia Transplant Council for the purpose of determining the suitability of organs, eyes and tissues for donation.

Law Advice: FYI - No Direct Impact

HB2020 Freedom of Information Act; definition of public records.

Chief Patron: May

Summary:

Clarifies that the definition of a "public record" does not include records that are not prepared for or used in the transaction of public business. The bill is in response to a court case in Loudoun County.

Law Advice: Change in Requirement

HB2035 Medicaid fraud; restitution.

Companion Bill: SB1215

Chief Patron: Peace

Summary:

Requires the court to order restitution to be made to the Department of Medical Assistance Services for any loss caused by a felony conviction of making a false statement or representation in applications for payment under Medicaid. This bill is identical to SB 1215.

Law Advice: FYI - No Direct Impact

HB2059 Telecommunications devices; prohibiting use of obscene language including electronic messages.

Chief Patron: Bell, Robert B.

Summary:

Clarifies that the current statutory provision prohibiting the use of obscene, vulgar, or indecent language over the telephone applies to electronic communications, including visual or electronic messages, received or transmitted by a cellular phone or other wireless telecommunications device. This bill is a recommendation of the Joint Commission on Technology and Science.

Law Advice: FYI - No Direct Impact

HB2063 Protective orders; expands class of persons eligible to obtain.

Companion Bill: SB1222

Chief Patron: Bell, Robert B.

Summary:

Renames "protective orders for stalking" as "protective orders" and expands the class of persons that is eligible to obtain a protective order by enlarging the types of conduct that permit the issuance of a protective order from certain specified criminal acts to any act involving violence, force, or threat that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury. Such protective orders are available based on such conduct, regardless of the relationship of the parties involved. The bill also makes several amendments to make protective orders and family abuse protective orders more consistent, including amending the definition of "family abuse" to be consistent with the conduct that would allow for the issuance of a "protective order" and providing that a family abuse protective order may include a condition prohibiting the allegedly abusing person from committing a criminal offense that results in injury to person or property. The bill also makes the penalties for violating a protective order consistent with the penalties for violating a family abuse protective order: (i) any person convicted of a second violation of a protective order, when the offense is committed within five years of a conviction for a prior offense and when either the instant or prior offense was based on an act or threat of violence, shall be sentenced to a mandatory minimum term of confinement of 60 days; (ii) any person convicted of a third or subsequent offense, when such offense is committed within 20 years of the first conviction and when either the instant or any of the prior offenses was based on an act or threat of violence, is guilty of a Class 6 felony and punishment shall include a mandatory minimum term of confinement of six months; (iii) any person who commits an assault and battery resulting in serious bodily injury upon a person protected by a protective order is guilty of a Class 6 felony; and (iv) any person who violates a protective order by furtively entering the home of the protected party while such party is present or enters and remains in such home until the protected party arrives is guilty of a Class 6 felony. This bill incorporates HB 1716, HB 1876, HB 2340, and HB 2422. This bill is identical to SB 1222.

Law Advice: FYI - No Direct Impact

HB2076 Inspector General, Office of; established.

Companion Bill: SB1477

Chief Patron: Landes

Summary:

Establishes the Office of the State Inspector General to be headed by a State Inspector General to investigate complaints alleging fraud, waste, abuse, or corruption by a state agency or nonstate agency or the officers and employees thereof. The bill also authorizes the State Inspector General to examine the management and operation of

state agencies. The bill defines "nonstate agency" and provides a record exemption under the Freedom of Information Act for certain investigative/audit documents of the Office. The bill consolidates the offices of inspector general of the Departments of Behavioral Health and Developmental Services, Corrections, Juvenile Justice, and Transportation and the Department of the State Internal Auditor into this new office, and adds responsibility for tobacco indemnification and revitalization. The bill contains technical amendments and has a delayed effective date. The bill is identical to SB 1477.

Law Advice: New Requirement

HB2090 Emergency custody orders; increases hours in which orders must be executed after its issuance.

Chief Patron: Herring

Summary:

Increases from four to six hours the time in which an emergency custody order must be executed after its issuance.

Law Advice: Change in Requirement

HB2095 Retirement System; loss of benefits for certain felony convictions.

Chief Patron: Jones

Summary:

Provides that a member of any of the retirement programs administered by the Virginia Retirement System forfeits his retirement benefits if it is determined that he has been convicted of a felony that arose out of misconduct in any position covered under the retirement programs administered by the Virginia Retirement System.

Law Advice: FYI - No Direct Impact

HB2140 UVA; to make full use of additional financial authority granted in management agreement.

Companion Bill: SB1110

Chief Patron: Johnson

Summary:

Clarifies that the University of Virginia is authorized to make full use of the additional financial and operational authority granted to it in its management agreement in providing assistance to the Southwest Virginia Higher Education Center. This bill is identical to SB 1110.

Law Advice: New Authority

HB2170 Virginia Birth-Related Neurological Injury Compensation Program; parties' expenses.

Chief Patron: Phillips

Summary:

Prohibits the Workers' Compensation Commission from awarding attorney fees incurred in opposing a claimant's admission to the Birth-Related Neurological Injury Compensation Program. The measure also prohibits the award of attorney's fees and expenses incurred by any physician, hospital, or nurse midwife that is a party to a proceeding regarding admission to the Program, or their medical malpractice carrier, in a proceeding involving a birth-related neurological injury claim. The prohibitions on paying expenses do not apply to certain photocopying costs or

compensation of the Office of the Attorney General.

Law Advice: FYI - No Direct Impact

HB2193 Podiatry; expands definition.

Companion Bill: SB1396

Chief Patron: Ebbin

Summary:

Expands the definition of podiatry to include the diagnosis and treatment of lower extremity ulcers, provided that the treatment of severe lower extremity ulcers proximal to the foot and ankle only be performed by appropriately trained, credentialed podiatrists in an approved hospital or ambulatory surgery center at which the podiatrist has privileges. This bill is identical to SB 1396 (Lucas).

Law Advice: FYI - No Direct Impact

HB2198 Employment of personnel; if executive branch employee is promoted, requires probationary period.

Chief Patron: Comstock

Summary:

Clarifies that if an executive branch agency employee is promoted within the same agency to a higher position classification that requires a new probationary period and is unable to complete or satisfy the probationary period of employment for any reason other than misconduct, then such employee must be offered the previous classified position or an equivalent position for which a vacancy exists.

Law Advice: Change in Requirement

HB2201 Payroll Services Bureau; DPB to require participation of executive branch state agencies.

Chief Patron: Comstock

Summary:

Provides that the Department of Planning and Budget, in consultation with the Department of Accounts, shall require all agencies of the Commonwealth to participate to the fullest extent feasible in the Payroll Service Bureau operated by the Department of Accounts. Any agency identified by the Department of Planning and Budget not participating in the Payroll Service Bureau as of July 1, 2011, may be exempted from such participation if it can demonstrate to the satisfaction of the Department of Planning and Budget that participation is not feasible or fiscally advantageous.

Law Advice: New Requirement

U.Va. has had longstanding independence from the state's payroll system, and should be exempt under the Management Agreement

HB2213 Driver training standards; establish for law-enforcement emergency calls and pursuits.

Chief Patron: McQuinn

Summary:

Provides that the Department of Criminal Justice Services shall establish training standards and publish a model policy for law-enforcement personnel assigned to vehicle patrol duties that embody best practices for pursuits and for

responding to emergency calls.

Law Advice: FYI - No Direct Impact

Similar to SB944

HB2216 Laboratory results; authority to provide directly to insurance carrier, etc.

Companion Bill: SB1116

Chief Patron: Stolle

Summary:

Allows a laboratory, with authorization from patient, to provide a copy of the report of the results directly to the insurance carrier, health maintenance organization, or self-insured plan that provides health insurance or similar coverage to the patient. This bill is identical to SB 1116.

Law Advice: New Authority

HB2218 Health care providers; third-party reimbursement programs.

Chief Patron: Stolle

Summary:

Clarifies that physicians shall not be required to participate in any public or private third-party reimbursement program as a condition of licensure.

Law Advice: FYI - No Direct Impact

HB2220 Pharmacies; implement continuous quality improvement program for analysis of dispensing errors.

Chief Patron: Rust

Summary:

Requires pharmacies to implement a continuous quality improvement program to provide for a systematic, ongoing process of analysis of dispensing errors that uses findings to formulate an appropriate response and to develop or improve pharmacy systems and workflow processes designed to prevent or reduce future errors. This bill requires the Board of Pharmacy to work cooperatively with pharmacists representing all areas of pharmacy practice in implementing the requirements of this act.

Law Advice: New Requirement

HB2229 Practitioners; competency assessments.

Chief Patron: O'Bannon

Summary:

Changes the requirement for assessing physicians who have had three medical malpractice judgments or claims in a 10-year period so that it only affects actively practicing physicians. The bill also changes the amount required to trigger the assessment from \$10,000 to \$75,000 and allows the Board of Medicine to post the number of assessments done on its website, rather than through a report to the General Assembly.

Law Advice: FYI - No Direct Impact

HB2253 Health professions; reciprocity exemption from licensing.

Companion Bill: SB828

Chief Patron: Nutter

Summary:

Provides an exemption for the requirement that health professionals be licensed for a practitioner who is in good standing with the applicable regulatory agency in another state and who is treating a patient who is being transported to or from Virginia for care. This bill is identical to SB 828 (Edwards).

Law Advice: New Authority

HB2255 Health records; health care providers who prescribe or dispense controlled substances.

Companion Bill: SB1029

Chief Patron: Nutter

Summary:

Clarifies that nothing in the Health Records Privacy Act shall prohibit a health care provider who dispenses a controlled substance to a patient from disclosing information obtained from the Prescription Monitoring Program and contained in a patient's health care record to another health care provider when such disclosure is related to the care or treatment of the patient. This bill also provides that nothing shall prevent a person who prescribes or dispenses a controlled substance from redisclosing information obtained from the Prescription Monitoring Program to another prescriber or dispenser who prescribes or dispenses a controlled substance to a recipient. This bill is identical to SB 1029 (Puckett).

Law Advice: New Authority

HB2256 Schedule II drugs; identification required for filling prescriptions.

Companion Bill: SB1150

Chief Patron: Nutter

Summary:

Specifies that certain duties imposed upon a pharmacist in the delivery of Schedule II drugs may be undertaken by the agent of the pharmacist. The bill also provides that if the person seeking to take delivery of a drug listed on Schedule II pursuant to a prescription is not the patient for whom the drug is prescribed and the person is not known to the pharmacist or his agent, the pharmacist or his agent shall either make a photocopy or electronic copy of the person's identification or record the full name and address of the person. The bill also reduces the period of time for which the pharmacist must maintain records of the names and addresses or copies of the proof of identification of persons taking delivery of Schedule II drugs when they are not the person for whom the drug is prescribed from one year to one month. This bill is identical to SB 1150.

Law Advice: Change in Requirement

HB2277 State boards, commissions, and other collegial bodies; compensation paid to citizen members.

Chief Patron: Keam

Summary:

Provides that nonlegislative members of boards, commissions, committees, councils, or other collegial bodies who are appointed at the state level and who receive three or more travel reimbursements annually shall be required to participate in the Electronic Data Interchange Program administered or authorized by the Department of Accounts as a condition of accepting such appointment. The bill provides that the requirement applies only to such nonlegislative members who are appointed or reappointed on or after July 1, 2011.

Law Advice: New Requirement

If implementation is not feasible, may be exempt under Restructuring

HB2279 Emergency medical services personnel; certification of applicants.

Chief Patron: Keam

Summary:

Requires the Commissioner of Health to consider relevant military experience, education, and training completed by an applicant for certification as emergency medical services personnel; provides that the Commissioner may accept such experience, education, and training as satisfying the requirements for certification; and requires the Board of Health to establish criteria for determining when an applicant's experience, education and training satisfies the requirements for certification.

Law Advice: FYI - No Direct Impact

HB2282 Centralized fleet; DGS, et al., to establish plan for vehicles to use alternative fuels.

Chief Patron: Marshall, D.W.

Summary:

Requires the Director of the Department of General Services, in conjunction with the Secretary of Administration and the Governor's senior advisor on energy, to develop a plan providing for the replacement of vehicles in the centralized fleet with vehicles that operate using natural gas, electricity, or other alternative fuels, to the greatest extent practicable, considering available infrastructure, the location and use of vehicles, capital and operating costs, and potential for fuel savings. The plan shall be submitted to the Governor for his review and approval. Once the plan is approved by the Governor, the Director is required to implement the plan for the centralized fleet. The bill provides that all state agencies and institutions shall cooperate with the Director in implementing the plan.

Law Advice: FYI - No Direct Impact

HB2292 Health records; electronic access.

Chief Patron: Sickles

Summary:

Provides that health records, disclosure of which has been authorized by a patient or as otherwise allowed by state law, shall be made available electronically but only to the extent and in the manner authorized by federal law, except that a health care entity shall not be obligated to provide records in the electronic format requested if (i) the electronic format is not reasonably available without additional cost to the health care entity, (ii) the records would be subject to modification in the format requested, or (iii) the health care entity determines that the integrity of the records could be

compromised in the electronic format requested.

Law Advice: New Requirement

HB2303 Health Care, Joint Commission on; extends sunset provision.

Companion Bill: SB988

Chief Patron: Brink

Summary:

Extends the sunset for the Joint Commission on Health Care from July 1, 2012, to July 1, 2015. This bill is identical to SB 988.

Law Advice: FYI - No Direct Impact

HB2316 Clean Energy Manufacturing Incentive Grant Program; created.

Companion Bill: SB1360

Chief Patron: Byron

Summary:

Repeals the Solar Photovoltaic Manufacturing Incentive Grant Program effective July 1, 2013, and the Biofuels Production Incentive Grant Program effective July 1, 2017, to create a program that provides financial incentives to companies that manufacture or assemble equipment, systems, or products used to produce renewable or nuclear energy, or products used for energy conservation, storage, or grid efficiency purposes. To be eligible for a grant, the manufacturer must make a capital investment greater than \$50 million and create at least 200 full-time jobs that pay at least the prevailing wage. A wind energy supplier must make a capital investment of greater than \$10 million and create at least 30 full-time jobs that pay at least the prevailing wage to be eligible for a grant. Solar photovoltaic manufacturing grants based on sales in 2011 are capped at \$1 million. SB 1360 is identical.

Law Advice: FYI - No Direct Impact

HB2317 Information Technology Advisory Council; advise CIO on creation of technology application framework.

Companion Bill: SB943

Chief Patron: Byron

Summary:

Requires the ITAC to advise the Chief Information Officer on the creation of a technology application governance framework through which executive branch agencies can address agency business needs with potential information technology solutions. Agency leaders and information technology managers shall participate with the ITAC in the design of this framework. This bill is identical to SB 943.

Law Advice: FYI - No Direct Impact

HB2324 Virginia Research and Technology Investment Program; created, report.

Companion Bill: SB1485

Chief Patron: Lingamfelter

Summary:

Amends the Commonwealth Research Commercialization Fund (CRCF) to allow for awards for a matching funds program and an eminent researcher program. The bill also expands upon the Innovation and Entrepreneurship Investment Authority's (IEIA) current responsibility to develop a strategic roadmap for research in the Commonwealth. The roadmap shall identify areas of focus for research investment in the Commonwealth based upon criteria set forth in the bill, and any awards from the CRCF must fall into one of these areas of focus. The bill establishes a Research and Technology Investment Advisory Committee to assist the IEIA in making awards from the CRCF by ensuring that applications considered for awards are based upon sound science and research, are in an area of focus identified in the roadmap, and present significant potential for commercialization in the Commonwealth. This bill incorporates HB 2250 and HB 1639. This bill is identical to SB 1485.

Law Advice: New Authority

Effective April 6, 2011

HB2328 Six-Year Capital Outlay Plan; process by which agencies' requests for capital project are presented.

Companion Bill: SB1428

Chief Patron: Lingamfelter

Summary:

Specifies the process by which agencies' requests for capital projects are presented to the Six-Year Capital Outlay Plan Advisory Committee and the process the Advisory Committee shall follow.

Law Advice: Change in Requirement

HB2337 State agencies; use of certified mail for certain notices.

Chief Patron: Garrett

Summary:

Provides that whenever a state agency sends any mail or notice by certified mail and such mail or notice is sent certified mail, return receipt requested, then any additional mail or notice that is sent by such state agency pertaining to the same subject matter and purpose may be sent by regular mail.

Law Advice: New Requirement

HB2366 Out-of-state trust institutions; any national bank to serve as trustee without office in State.

Chief Patron: Hugo

Summary:

Authorizes any national banking association that is supervised and regulated by the federal Comptroller of the Currency and is authorized by the Comptroller of the Currency to act as trustee, as executor, as administrator, or in another fiduciary capacity in the Commonwealth, to engage in the trust business in the Commonwealth. The measure codifies an opinion of the Attorney General that a statutory provision that bars out-of-state trust institutions without an office in the Commonwealth from engaging in trust business is preempted by § 92a of the National Bank Act to the extent it applies to national banks that are supervised and regulated by the Comptroller of the Currency.

Law Advice: FYI - No Direct Impact

HB2373 Medical malpractice; privileged communications of certain committees.

Companion Bill: SB1469

Chief Patron: Peace

Summary:

Provides that nothing in the statute governing privileged communications of certain health committees shall be construed as providing any privilege to any health care provider, emergency medical services agency, community services board, or behavioral health authority with respect to any factual information regarding specific patient health care or treatment, including patient health care incidents, whether oral, electronic, or written. However, the analysis, findings, conclusions, recommendations, and the deliberative process of any medical staff committee, utilization review committee, or other committee, board, group, commission, or other entity, as well as the proceedings, minutes, records, and reports, including the opinions and reports of experts, of such entities shall be privileged in their entirety under the aforementioned statute. This bill incorporates HB 2377. This bill is identical to SB 1469.

Law Advice: Change in Authority

HB2375 Commonwealth Project Management Standard; created for information technology projects, etc.

Chief Patron: O'Bannon

Summary:

Provides for the creation of the Commonwealth Project Management Standard, by which information technology projects in state agencies and most public institutions of higher education will be initiated, procured and governed. Also, this bill clarifies the roles of the Secretary of Technology and the Chief Information Officer (CIO) in the governance and oversight of technology projects. Projects shall be approved or disapproved by either the Secretary of Technology or the CIO based on the overall cost, as well as the overall risk and complexity of the project.

Law Advice: FYI - No Direct Impact

Third enactment clause exempts the University as a level three institution under Restructuring

HB2384 Medicaid Works program; DMAS to increase maximum allowable earnings for individuals.

Chief Patron: Orrock

Summary:

Requires the Department of Medical Assistance Services to increase the maximum allowable gross earnings for individuals participating in the Medicaid Works program established pursuant to § 1902(a)(10)(A)(ii)(XV) of the Social Security Act to the maximum gross income amount allowed by the Ticket to Work and Work Incentives Improvement Act of 1999 that does not trigger collection of mandatory premiums.

Law Advice: FYI - No Direct Impact

HB2408 State agencies; requires notice to localities of certain state projects.

Chief Patron: Ware, R.L.

Summary:

Requires that notice of certain state capital projects involving new construction costing at least \$500,000 be sent to localities by registered mail and specifies that the notice shall be sent prior to, rather than during, the planning phase of the project. Failure of any state agency to strictly comply with such requirements will justify entry of an injunction on behalf of the locality.

Law Advice: Change in Requirement

HB2434 Health benefits exchange; intent to develop.

Chief Patron: Kilgore

Summary:

States that it is the intent of the General Assembly that the Commonwealth create and operate its own health benefits exchange or exchanges that meet the relevant requirements of the federal Affordable Care Act. The Governor and the State Corporation Commission's Bureau of Insurance are requested to work with the General Assembly, relevant experts, and stakeholders generally to provide recommendations for consideration by the 2012 Session of the General Assembly regarding the structure and governance of the Virginia Exchange. The recommendations are due by October 1, 2011. The measure will expire on July 1, 2014.

Law Advice: FYI - No Direct Impact

HB2467 Health insurance; mandated coverage for autism spectrum disorder.

Companion Bill: SB1062

Chief Patron: Greason

Summary:

Requires health insurers, health care subscription plans, and health maintenance organizations to provide coverage for the diagnosis of autism spectrum disorder (ASD) and treatment for ASD in individuals from age two to six, subject to an annual maximum benefit of \$35,000 of coverage for applied behavior analysis. This requirement does not apply to individual or small group policies, contracts, or plans. The mandate will also apply to the state employees' health insurance plan and to the local choice health program. This measure will not apply to an insurer, corporation, or health maintenance organization, or to government employee programs, if the costs associated with coverage exceed one percent of premiums charged over the experience period. This bill is identical to SB 1062. HB 2512 is incorporated.

Law Advice: FYI - No Direct Impact

HB2510 Virginia Higher Education Opportunity Act of 2011; established, report.

Companion Bill: SB1459

Chief Patron: Cox, M.K.

Summary:

Establishes the Virginia Higher Education Opportunity Act of 2011 for the purpose of fueling strong economic growth in the Commonwealth and preparing Virginians for the top job opportunities in the knowledge-driven economy of the 21st century. The bill provides for (i) a new higher education funding policy; (ii) the calculation of the state general fund share of an institution's basic operations and instruction funding need; (iii) per student enrollment-based funding; (iv) targeted economic and innovation incentives; (v) the creation of a STEM Public-Private Partnership; and (vi) the

creation of a Higher Education Advisory Committee. The bill also makes technical amendments. This bill is a recommendation of the Governor's Commission on Higher Education Reform, Innovation and Investment. This bill is identical to SB 1459.

Law Advice: New Requirement

HB2515 Health records; disclosure requirements.

Chief Patron: BaCote

Summary:

Clarifies that a health care entity is required to share, at the request of the subject of the records, health records with other health care entities, in the format requested by the individual in the manner authorized by the federal law unless (i) the electronic format is not reasonably available without additional cost to the health care entity, (ii) the records would be subject to modification in the format required, or (iii) the health care entity determines that the integrity of the records could be compromised in the electronic format requested.

Law Advice: New Requirement

HJ512 Pancreatic Cancer Awareness Month; designating as November 2011, and each succeeding year.

Chief Patron: Loupassi

Summary:

Designates November, in 2011 and in each succeeding year, as Pancreatic Cancer Awareness Month in Virginia.

Law Advice: FYI - No Direct Impact

HJ622 Histiocytosis Awareness Month; designating as September 2011, and each succeeding year thereafter.

Chief Patron: Rust

Summary:

Designates September, in 2011 and in each succeeding year, as Histiocytosis Awareness Month in Virginia.

Law Advice: FYI - No Direct Impact

HJ623 Pediatric Cancer Awareness Month; designating September 2011, and each succeeding year thereafter.

Chief Patron: Greason

Summary:

Designates September, in 2011 and in each succeeding year, as Pediatric Cancer Awareness Month in Virginia.

Law Advice: FYI - No Direct Impact

HJ632 Shaken Baby Syndrome and abusive head trauma; Joint Commission on Health Care to study.

Chief Patron: Oder

Summary:

Directs the Joint Commission on Health Care to study the costs of Shaken Baby Syndrome and abusive head trauma in Virginia and identify best practices in reducing the incidence of Shaken Baby Syndrome and abusive head trauma.

Law Advice: FYI - No Direct Impact

HJ643 Lyme Disease Awareness Month; designating as May 2011, and each succeeding year thereafter.

Chief Patron: Comstock

Summary:

Designates May, in 2011 and in each succeeding year, as Lyme Disease Awareness Month in Virginia.

Law Advice: FYI - No Direct Impact

HJ648 Uniform Statewide Building Code; DHCD, et al., to study feasibility of amendments, etc.

Chief Patron: Plum

Summary:

Requests the Department of Housing and Community Development, in cooperation with the Department of Rehabilitative Services, to study the feasibility and appropriateness of amendments to the Uniform Statewide Building Code to provide accessible routes for persons with disabilities into public and private buildings and facilities and promote universal features in dwelling units. The Departments must submit their joint findings and recommendations to the 2013 Session of the General Assembly.

Law Advice: Monitor and Track

HJ683 Osteoporosis Awareness Day; designating as May 10, 2011, and each succeeding year thereafter.

Chief Patron: Filler-Corn

Summary:

Designates May 10th, in 2011 and in each succeeding year, as Osteoporosis Awareness Day in Virginia.

Law Advice: FYI - No Direct Impact

HJ693 Constitutional amendment; taking or damaging of private property for public use (first reference).

Chief Patron: Joannou

Summary:

Revises the prohibition on the enactment by the General Assembly of laws whereby private property may be taken or damaged. An existing provision authorizing the General Assembly to define what constitutes a public use is removed. The proposed amendment provides that private property can be taken or damaged only for a public use, only with just compensation to the owner, and only so much taken as is necessary for the public use. Just compensation must equal or exceed the value of the property taken, lost profits and lost access, and damages to the residue caused by the taking.

A public service company, public service corporation, or railroad exercises the power of eminent domain for public use when such exercise is for the authorized provision of utility, common carrier, or railroad services. In all other cases, a taking or damaging of private property is not for public use if the primary use is for private gain, private benefit, private enterprise, increasing jobs, increasing tax revenue, or economic development, except for the elimination of a public nuisance existing on the property. The condemnor bears the burden of proving that the use is public, without a presumption that it is. This resolution incorporates HJR 498, HJR 515, and HJR 647.

Law Advice: Monitor and Track

HJ694 Virginia Sports Hall of Fame and Museum; recognizing its outstanding program.

Companion Bill: SJ386

Chief Patron: Joannou

Summary:

Recognizes the Virginia Sports Hall of Fame and Museum for its outstanding programs and exhibits as Virginia's official sports hall of fame and commending the 2011 inductees into the Virginia Sports Hall of Fame.

Law Advice: FYI - No Direct Impact

HJ719 Patient Safety Day; recognizing as February 2, 2011.

Chief Patron: Greason

Summary:

Designates February 2, in 2011 and each succeeding year, as Patient Safety Day in Virginia.

Law Advice: FYI - No Direct Impact

HJ950 Commending the Honorable Lewis F. Payne.

Chief Patron: Toscano

Law Advice: FYI - No Direct Impact

HR44 Commending E.D. Hirsch.

Chief Patron: Ware, R.L.

Law Advice: FYI - No Direct Impact

SB762 Emergency vehicles; proceeding past red lights.

Chief Patron: Puller

Summary:

Provides that emergency vehicles proceeding past any steady or flashing red signals, traffic lights, stop signs, or other devices indicating moving traffic shall stop, must flash emergency lights and either (i) sound a siren, exhaust whistle, or air horn designed to give automatically intermittent signals or (ii) yield right-of-way or, if required for safety, bring the vehicle to a complete stop before proceeding with due regard to the safety of persons and property.

Law Advice: Change in Requirement

SB771 Remedies; increases cap on recovery in certain medical malpractice actions.

Companion Bill: HB1459

Chief Patron: Saslaw

Summary:

Increases from \$2 million to \$2.05 million, on July 1, 2012, the cap on the recovery in actions against health care providers for medical malpractice. Thereafter, the cap is increased by \$50,000 annually with the last increase on July 1, 2031. This bill is identical to HB 1459.

Law Advice: FYI - No Direct Impact

SB815 State Grievance Procedure; scope of hearing officer's decision, reinstatement.

Chief Patron: McEachin

Summary:

Clarifies that the reinstatement remedy that may be ordered by the hearing officer under the State Grievance Procedure consists of reinstatement to the same position, or if the position is filled, to an equivalent position.

Law Advice: FYI - No Direct Impact

SB823 Workers' compensation; presumption that certain injuries are work related.

Companion Bill: HB1475

Chief Patron: Edwards

Summary:

Creates a presumption, in the absence of a preponderance of evidence to the contrary, that an injury is work related. The presumption arises in a claim under the Workers' Compensation Act where an employee is physically or mentally unable to testify and there is un rebutted prima facie evidence that the injury was work related. HB 1475 is identical.

Law Advice: FYI - No Direct Impact

SB824 Tuition, in-state; waiver of one-year residency requirement for veterans.

Companion Bill: HB1861

Chief Patron: Edwards

Summary:

Authorizes certain veterans who elect to establish Virginia as their permanent residence for domiciliary purposes to establish immediate residency in Virginia and become eligible for in-state tuition, rather than waiting the required one-year period. This bill incorporates SB 1289 and SB 1391 and is identical to HB 1861 (Anderson).

Law Advice: New Requirement

SB828 Health professions; reciprocity exemption from licensing.

Companion Bill: HB2253

Chief Patron: Edwards

Summary:

Provides an exemption for the requirement that health professionals be licensed for a practitioner who is in good standing with the applicable regulatory agency in another state and is in Virginia temporarily in order to transport a patient to a neighboring state for care. This bill is identical to HB 2253.

Law Advice: New Authority

SB839 Homestead exemptions; adds one firearm, not to exceed \$3,000 value, to list of exemptions.

Companion Bill: HB1422

Chief Patron: Petersen

Summary:

Adds one family firearm, not to exceed \$3,000 in value, to the list of items that every householder shall be entitled to hold exempt from creditor process. The bill also increases the maximum exemption for a motor vehicle from \$2,000 to \$6,000. This bill is identical to HB 1422.

Law Advice: New Requirement

SB841 Immunity of officers, etc., of nonprofit organizations; termination, etc., of corporation.

Companion Bill: HB1877

Chief Patron: Petersen

Summary:

Provides that the immunity from civil liability the directors and other officers of tax exempt organizations enjoy for acts taken in their official capacities shall survive the termination, cancellation, or other discontinuance of the organization. This bill is identical to HB 1877.

Law Advice: Change in Requirement

SB870 Blue Alert Program; established.

Chief Patron: Stuart

Summary:

Provides for the establishment of a Blue Alert Program to be administered by the Department of State Police when a suspect for a crime involving the death or serious injury of a law-enforcement officer has not been apprehended and is a serious threat to the public or when a law-enforcement officer is missing while in the line of duty under suspicious circumstances.

Law Advice: FYI - No Direct Impact

SB891 State of emergency; preparation for response.

Companion Bill: HB1774

Chief Patron: Wampler

Summary:

Authorizes the Governor to allocate a sum sufficient for preparation of the Virginia National Guard and the Virginia

State Defense Force to respond to certain enumerated circumstances, regardless of whether or not an official state of emergency is declared. However, the response preparation is limited to 300 personnel and five days, unless a state of emergency is declared. The bill also makes technical amendments. This bill is identical to HB 1774.

Law Advice: FYI - No Direct Impact

SB924 Hospitals, nursing homes, etc.; regulations required of Board of Health.

Chief Patron: McDougle

Summary:

Requires the Board of Health to promulgate regulations containing minimum standards for policies related to infection prevention, disaster preparedness, and facility security of hospitals, nursing homes, and certified nursing facilities. This bill provides that minimum standards for construction, maintenance, operation, staffing, equipping, staff qualifications and training, and conditions under which services may be provided, as well as requirements for policies related to infection prevention, disaster preparedness, and facility security for hospitals, nursing homes, and certified nursing facilities shall also apply to any facility in which five or more first trimester abortions per month are performed, and that such facilities, shall be classified as a category of hospital for the purposes of such requirements. This bill requires the Board of Health to promulgate regulations to implement the provisions of this act within 280 days of enactment.

Law Advice: FYI - No Direct Impact

SB943 Information Technology Advisory Council; advise CIO on creation of technology application framework.

Companion Bill: HB2317

Chief Patron: Howell

Summary:

Requires the ITAC to advise the Chief Information Officer on the creation of a technology application governance framework through which executive branch agencies can address agency business needs with potential information technology solutions. Agency leaders and information technology managers shall participate with the ITAC in the design of this framework. This bill is identical to HB 2317.

Law Advice: FYI - No Direct Impact

SB944 Driver training standards; establish for law-enforcement pursuits and for emergency calls.

Chief Patron: Howell

Summary:

Requires the Department of Criminal Justice Services to establish training standards and publish a model policy for law-enforcement personnel assigned to vehicle patrol duties that embody current best practices for pursuits and for responding to emergency calls and to establish training standards and publish a model policy for law-enforcement personnel involved in criminal investigations that embody current best practices for conducting photographic and live lineups.

Law Advice: FYI - No Direct Impact

Similar to HB2213

SB960 Children's hospitals; definition.

Chief Patron: Northam

Summary:

Defines “children's hospital” as a hospital (i) whose inpatients are predominantly under 18 years of age and (ii) which is excluded from the Medicare prospective payment system pursuant to the Social Security Act.

Law Advice: FYI - No Direct Impact

SB988 Health Care, Joint Commission on; extends sunset provision.

Companion Bill: HB2303

Chief Patron: Puller

Summary:

Extends the sunset for the Joint Commission on Health Care from July 1, 2012, to July 1, 2015. This bill is identical to HB 2303.

Law Advice: FYI - No Direct Impact

SB1029 Health records; health care providers who prescribe or dispense controlled substances.

Companion Bill: HB2255

Chief Patron: Puckett

Summary:

Clarifies that nothing in the Health Records Privacy Act shall prohibit a health care provider who dispenses a controlled substance to a patient from disclosing information obtained from the Prescription Monitoring Program and contained in a patient's health care record to another health care provider when such disclosure is related to the care or treatment of the patient. This bill also provides that nothing shall prevent a person who prescribes or dispenses a controlled substance from redisclosing information obtained from the Prescription Monitoring Program to another prescriber or dispenser who prescribes or dispenses a controlled substance to a recipient.

Law Advice: New Authority

SB1049 Public Procurement Act; state agencies to include in contract that contractor use E-Verify program.

Companion Bill: HB1859

Chief Patron: Barker

Summary:

Provides that any employer with more than an average of 50 employees for the previous 12 months entering into a contract in excess of \$50,000 with any agency of the Commonwealth to perform work or provide services pursuant to such contract shall register and participate in the federal E-Verify program to verify information and work authorization of its newly hired employees performing work pursuant to such public contract. Any such employer who fails to comply shall be debarred from contracting with any agency of the Commonwealth for a period up to one year.

Such debarment shall cease upon the employer's registration and participation in the E-Verify program. This bill incorporates SB 1288. This bill is identical to HB 1859.

Law Advice: FYI - No Direct Impact

Exempt under Restructuring; delayed effective date: December 1, 2013

SB1055 Fertilizer; regulation of application and labeling, report.

Companion Bill: HB1831

Chief Patron: Stuart

Summary:

Prohibits the sale, distribution and use of lawn maintenance fertilizer containing phosphorus beginning December 31, 2013. The prohibition does not apply to starter fertilizer, manipulated manure, yard waste compost, products derived from sewage sledge, soils containing fertilizer and fertilizer products intended for gardening, tree, shrub and indoor planting application, including nurseries, or reclaimed water. Also, beginning on December 31, 2013, it will be unlawful to offer for sale any deicing agent containing urea, nitrogen, or phosphorus intended for application on parking lots, roadways, and sidewalks, or other paved surfaces. However, retailers are allowed to sell their existing inventory of lawn maintenance fertilizer and deicing agents. On this date, a label will be required on bags of lawn fertilizer that states that the product should not be applied near storm drains or drainage ditches or when heavy rain is expected.

Law Advice: New Requirement

U.Va. is already in compliance with the provisions of HB1831/SB1055

SB1057 State agencies; reports to General Assembly.

Chief Patron: McDougle

Summary:

Authorizes state entities required to submit a report to multiple legislative branch entities to develop a consolidated report containing all required information. Such report shall be (i) formatted in compliance with the specific reporting requirements and (ii) provided in a manner designed to clearly delineate each legislative branch entity for which specific information is provided.

Law Advice: New Requirement

SB1062 Health insurance; mandated coverage for autism spectrum disorder.

Companion Bill: HB2467

Chief Patron: Howell

Summary:

Requires health insurers, health care subscription plans, and health maintenance organizations to provide coverage for the diagnosis of autism spectrum disorder (ASD) and treatment for ASD in individuals from age two to six, subject to an annual maximum benefit of \$35,000 of coverage for applied behavior analysis. This requirement does not apply to individual or small group policies, contracts, or plans. The mandate will also apply to the state employees' health insurance plan and to the local choice health program. This measure will not apply to an insurer, corporation, or health maintenance organization, or to government employee programs, if the costs associated with coverage exceed one

percent of premiums charged over the experience period. This bill is identical to HB 2467.

Law Advice: FYI - No Direct Impact

SB1074 Tuition, in-state; person of other state meeting requirements called to National Guard is eligible.

Chief Patron: Barker

Summary:

Provides in-state tuition for any person who met the requirements for in-state tuition prior to being called to active duty in the National Guard of another state following completion of active duty service if during active duty that person maintained one or more of the following in Virginia rather than in another state or jurisdiction: a driver's license, motor vehicle registration, voter registration, employment, property ownership, or sources of financial support.

Law Advice: Change in Requirement

SB1077 International Baccalaureate and Advanced Placement examinations; clarifies eligibility for credit.

Chief Patron: Barker

Summary:

Clarifies that students should be eligible for credit for International Baccalaureate and Advanced Placement examinations, not the courses.

Law Advice: FYI - No Direct Impact

SB1096 Pharmacies; shall have access to Prescription Monitoring Program.

Chief Patron: Hanger

Summary:

Provides that the Board of Pharmacy shall include in its regulations a requirement that nothing shall prevent a pharmacist who is eligible to receive information from the Prescription Monitoring Program from requesting and receiving such information. However, no pharmacy shall be required to maintain Internet access to the Prescription Monitoring Program.

Law Advice: New Authority

SB1107 Public Procurement Act; increases small purchases exemption.

Chief Patron: Hanger

Summary:

Increases from \$50,000 to \$100,000 the small purchases exemption under the Virginia Public Procurement Act for single or term contracts for goods and services other than professional services. The bill also provides that, in addition to a written informal solicitation of a minimum of four bidders or offerors for such purchases that are expected to exceed \$30,000, state agencies, departments, and institutions must post the notice on the Department of General Services' central electronic procurement website. The bill also encourages local public bodies to use the Department of General Services' central electronic procurement website.

Law Advice: FYI - No Direct Impact

Exempt under Restructuring

SB1110 UVA; to make full use of additional financial authority granted in management agreement.

Companion Bill: HB2140

Chief Patron: Wampler

Summary:

Clarifies that the University of Virginia is authorized to make full use of the additional financial and operational authority granted to it in its management agreement in providing assistance to the Southwest Virginia Higher Education Center. This bill is identical to HB 2140 (Johnson).

Law Advice: New Authority

SB1114 DGS; review of proposed use and occupancy of real property by state agencies.

Chief Patron: Watkins

Summary:

Clarifies that the use and occupancy of real property by state agencies shall comply with guidelines developed by the Department of General Services and require approval of the Governor.

Law Advice: FYI - No Direct Impact

Exempt under Restructuring

SB1116 Laboratory results; authority to provide directly to insurance carrier, etc.

Companion Bill: HB2216

Chief Patron: Northam

Summary:

Allows a laboratory, with authorization from patient, to provide a copy of the report of the results directly to the insurance carrier, health maintenance organization, or self-insured plan that provides health insurance or similar coverage to the patient. This bill is identical to HB 2216.

Law Advice: FYI - No Direct Impact

SB1117 Death certificates; allows supervised nurse practitioners and physician assistants to sign.

Chief Patron: Northam

Summary:

Allows supervised nurse practitioners and physician assistants to determine cause of death and sign death certificates, provided they have access to the decedent's medical history and the death is due to natural causes. In addition, the bill expands the description of which physicians may determine cause of death and sign a death certificate and provides civil immunity for signature and determination of cause of death on a certificate for physicians, physician assistants and nurse practitioners who sign death certificates and determine cause of death, in the absence of gross negligence or willful misconduct.

Law Advice: New Authority

SB1127 Public-Private Education Facilities and Infrastructure Act of 2002; review of proposals.

Chief Patron: Stosch

Summary:

Provides that whenever a responsible public entity rejects a proposal initiated by a private entity that purports to develop specific cost savings, the public entity shall specify the basis for the rejection.

Law Advice: FYI - No Direct Impact

SB1144 Driver's license holders; DMV-required examinations of holders thought to be incompetent.

Chief Patron: Quayle

Summary:

Allows DMV-required examinations of driver's license holders thought to be incompetent to be performed by licensed physician assistants.

Law Advice: FYI - No Direct Impact

SB1147 Health professions; social security numbers for investigations.

Chief Patron: Quayle

Summary:

Allows the investigative personnel of the Department of Health Professions to request and receive social security numbers from practitioners or federal employee identification numbers from facilities.

Law Advice: FYI - No Direct Impact

SB1150 Schedule II drugs; identification required for filling prescriptions.

Companion Bill: HB2256

Chief Patron: Quayle

Summary:

Specifies that certain duties imposed upon a pharmacist in the delivery of Schedule II drugs may be undertaken by the agent of the pharmacist. The bill also provides that if the person seeking to take delivery of a drug listed on Schedule II pursuant to a prescription is not the patient for whom the drug is prescribed and the person is not known to the pharmacist or his agent, the pharmacist or his agent shall either make a photocopy or electronic copy of the person's identification or record the full name and address of the person. The bill also reduces the period of time for which the pharmacist must maintain records of the names and addresses or copies of the proof of identification of persons taking delivery of Schedule II drugs when they are not the person for whom the drug is prescribed from one year to one month. This bill is identical to HB2256.

Law Advice: Change in Requirement

SB1215 Medicaid fraud; restitution.

Companion Bill: HB2035

Chief Patron: Smith

Summary:

Requires the court to order restitution to be made to the Department of Medical Assistance Services for any loss caused by a felony conviction of making a false statement or representation in applications for payment under Medicaid. This bill is identical to HB 2035.

Law Advice: FYI - No Direct Impact

SB1222 Protective orders; expands class of persons eligible to obtain.

Companion Bill: HB2063

Chief Patron: Barker

Summary:

Renames "protective orders for stalking" as "protective orders" and expands the class of persons that is eligible to obtain a protective order by enlarging the types of conduct that permit the issuance of a protective order from certain specified criminal acts to any act involving violence, force, or threat that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury. Such protective orders are available based on such conduct, regardless of the relationship of the parties involved. The bill also makes several amendments to make protective orders and family abuse protective orders more consistent, including amending the definition of "family abuse" to be consistent with the conduct that would allow for the issuance of a "protective order" and providing that a family abuse protective order may include a condition prohibiting the allegedly abusing person from committing a criminal offense that results in injury to person or property. The bill also makes the penalties for violating a protective order consistent with the penalties for violating a family abuse protective order: (i) any person convicted of a second violation of a protective order, when the offense is committed within five years of a conviction for a prior offense and when either the instant or prior offense was based on an act or threat of violence, shall be sentenced to a mandatory minimum term of confinement of 60 days; (ii) any person convicted of a third or subsequent offense, when such offense is committed within 20 years of the first conviction and when either the instant or any of the prior offenses was based on an act or threat of violence, is guilty of a Class 6 felony and punishment shall include a mandatory minimum term of confinement of six months; (iii) any person who commits an assault and battery resulting in serious bodily injury upon a person protected by a protective order is guilty of a Class 6 felony; and (iv) any person who violates a protective order by furtively entering the home of the protected party while such party is present or enters and remains in such home until the protected party arrives is guilty of a Class 6 felony. This bill incorporates SB 877, SB 1091 and SB 1364. This bill is identical to HB 2063.

Law Advice: FYI - No Direct Impact

SB1245 Registered nurses; provisional licensure for applicant.

Chief Patron: Vogel

Summary:

Allows the Board of Nursing to issue a provisional license to an applicant for licensure as a registered nurse who has met the educational and examination requirements for licensure, in order to allow the applicant to obtain clinical experience. A person practicing under a provisional license shall only practice under the supervision of a licensed registered nurse, in accordance with regulations established by the Board.

Law Advice: New Authority

SB1257 Real property; DGS to inventory all property owned and update at least annually.

Companion Bill: HB2003

Chief Patron: Vogel

Summary:

Changes the fund to receive the 50 percent portion of the proceeds from the sale, lease, or conveyance of surplus property owned by the Commonwealth from the Conservation Resources Fund to the State Park Acquisition and Development Fund. The bill requires the Department of General Services to develop the criteria for and conduct an inventory of all real property, as defined in § 2.2 1147, owned by state departments, agencies, and institutions by January 1, 2012, and update the inventory at least annually thereafter. In addition, the bill requires the Department to provide a listing of surplus real property owned by the Commonwealth on its website with a description of the properties, including parcel identification.

Law Advice: FYI - No Direct Impact

Exempt under Restructuring

SB1260 Child pornography; possession by law-enforcement agency.

Companion Bill: HB1747

Chief Patron: Vogel

Summary:

Provides that an employee of a law-enforcement agency may lawfully possess child pornography for a bona fide law-enforcement purpose. This bill is identical to HB 1747.

Law Advice: New Authority

SB1263 Veterans Affairs and Homeland Security, Secretary of; establishes position.

Companion Bill: HB1773

Chief Patron: Vogel

Summary:

Establishes the Office of the Secretary of Veterans Affairs and Homeland Security with responsibility to the Governor for veterans services and homeland preparedness and security. The state entities reporting through the new Secretary's Office are the Department of Veterans Services, Secure Commonwealth Panel, Veterans Services Foundation, Virginia Military Advisory Council, and Virginia War Memorial Foundation. The bill also makes technical changes. This bill is identical to HB 1773.

Law Advice: FYI - No Direct Impact

Effective April 6, 2011

SB1279 Tuition, in-state; eligibility for spouse of an active duty military service member.

Companion Bill: HB1848

Chief Patron: McWaters

Summary:

Ensures that the established Virginia domicile of a spouse of an active duty United States military service member, and therefore in-state tuition eligibility, must not be affected by the establishment and maintenance of a place of residence in another jurisdiction for the purpose of maintaining a joint household with such member. The bill also provides that the spouse of an active duty United States military service member, if such spouse has established domicile and claimed a dependent student on federal or state income tax returns, must not be subject to minimum income tests or requirements. This bill is identical to HB 1848 (Stolle).

Law Advice: Change in Requirement

SB1280 Boards, commissions, and councils; makes policy improvements and clarifications.

Companion Bill: HB1842

Chief Patron: McWaters

Summary:

Makes policy improvements and clarifications to several state boards, commissions, and councils including (i) establishing staggered terms for nonlegislative citizen members appointed by the Governor, (ii) clarifying the Governor's authority when provided lists of nominees by nongovernmental entities, and (iii) standardizing the terms of chairmen of entities appointed by the Governor to two years. This bill is identical to HB 1842.

Law Advice: Change in Requirement

See § 2.2-2400, directing BOV to nominate two or more persons to the Art and Architectural Review Board, one of which may be appointed by the Governor

SB1326 Income tax, state; research and development expenses tax credit.

Chief Patron: Herring

Summary:

Allows income tax credits for individuals and businesses for qualified research and development expenses for taxable years beginning on or after January 1, 2012, but before January 1, 2017. The tax credit amounts are (i) 15 percent of the Virginia qualified research and development expenses, or (ii) 20 percent of the Virginia qualified research and development expenses, if the research was conducted in conjunction with a Virginia public or private college or university, to the extent the expenses exceed a base amount. The Tax Department shall develop policies and procedures for the application process for the tax credits. There is a \$10 million cap on the total amount of credits allowed in any fiscal year.

Law Advice: FYI - No Direct Impact

SB1360 Clean Energy Manufacturing Incentive Grant Program; created.

Companion Bill: HB2316

Chief Patron: Stosch

Summary:

Repeals the Solar Photovoltaic Manufacturing Incentive Grant Program effective July 1, 2013, and the Biofuels Production Incentive Grant Program effective July 1, 2017, to create a program that provides financial incentives to

companies that manufacture or assemble equipment, systems, or products used to produce renewable or nuclear energy, or products used for energy conservation, storage, or grid efficiency purposes. To be eligible for a grant, the manufacturer must make a capital investment greater than \$50 million and create at least 200 full-time jobs that pay at least the prevailing wage. A wind energy supplier must make a capital investment of greater than \$10 million and create at least 30 full-time jobs that pay at least the prevailing wage to be eligible for a grant. Solar photovoltaic manufacturing grants based on sales in 2011 are capped at \$1 million. HB 2316 is identical.

Law Advice: FYI - No Direct Impact

SB1379 Governor's Development Opportunity Fund; criteria for grants or loans from Fund.

Companion Bill: HB1982

Chief Patron: Stanley

Summary:

Reduces, among other things, the threshold for private investment and new job creation from \$10 million and 100 new jobs to \$5 million and at least 50 new jobs, and allows for awards from the Fund for projects with a minimum private investment of \$100 million that create at least 25 new jobs. The bill also sets forth new investment and job creation thresholds for projects in fiscally stressed localities. This bill incorporates SB 1050 and is identical to HB 1982.

Law Advice: FYI - No Direct Impact

SB1390 Life insurance; specified disease coverage or limited benefit health coverage.

Chief Patron: Howell

Summary:

Provides that "life insurance" includes additional benefits providing specified disease coverage or limited benefit health coverage if these coverages comply with certain minimum standards established by the State Corporation Commission for individual accident and health insurance policies.

Law Advice: FYI - No Direct Impact

SB1396 Podiatry; expands definition.

Companion Bill: HB2193

Chief Patron: Lucas

Summary:

Expands the definition of podiatry to include the diagnosis and treatment of lower extremity ulcers, provided that the treatment of severe lower extremity ulcers proximal to the foot and ankle only be performed by appropriately trained, credentialed podiatrists in certain approved hospitals or ambulatory surgery centers. This bill is identical to HB 2193.

Law Advice: FYI - No Direct Impact

SB1424 Virginia Public Procurement Act; action against contractor's payment bond.

Chief Patron: Locke

Summary:

Provides that any claimant with a direct contractual relationship with any subcontractor but who has no contractual relationship with the contractor, may bring an action on the contractor's payment bond only if he has given written

notice to the contractor within 90 days from the day on which the claimant performed the last of the labor or furnished the last of the materials for which he claims payment. Currently the time for providing the notice is 180 days.

Law Advice: FYI - No Direct Impact

Exempt under Restructuring (section applicable to contractors)

SB1425 Virginia Public Procurement Act; process for withdrawal of bid due to error.

Chief Patron: Locke

Summary:

Clarifies the procedure for withdrawal of a bid when the public body opens bids one day after the time fixed for the submission of bids. Under the procedure, the bidder must submit to the public body his original work papers, documents, and materials used in the preparation of the bid at or prior to the time fixed for the opening of bids. The bill provides for the public body to notify the bidder of its decision within five days of the withdrawal request.

Law Advice: FYI - No Direct Impact

Exempt under Restructuring

SB1428 Six-Year Capital Outlay Plan; process by which agencies' requests for capital project are presented.

Companion Bill: HB2328

Chief Patron: Marsh

Summary:

Specifies the process by which agencies' requests for capital projects are presented to the Six-Year Capital Outlay Plan Advisory Committee and the process the Advisory Committee shall follow.

Law Advice: Change in Requirement

SB1448 Cambridge Advanced Exams; course credit.

Companion Bill: HB1910

Chief Patron: Barker

Summary:

Requires the governing boards of each public institution of higher education to implement policies regarding the granting of credit for Cambridge Advanced Exams. The bill also clarifies that students should be eligible for credit for International Baccalaureate and Advanced Placement examinations, not courses. This bill is identical to HB 1910 (Miller, J. H.).

Law Advice: New Requirement

SB1459 Virginia Higher Education Opportunity Act of 2011; established, report.

Companion Bill: HB2510

Chief Patron: Houck

Summary:

Establishes the Virginia Higher Education Opportunity Act of 2011 for the purpose of fueling strong economic growth

in the Commonwealth and preparing Virginians for the top job opportunities in the knowledge-driven economy of the 21st century. The bill provides for (i) a new higher education funding policy; (ii) the calculation of the state general fund share of an institution's basic operations and instruction funding need; (iii) per student enrollment-based funding; (iv) targeted economic and innovation incentives; (v) the creation of a STEM Public-Private Partnership; and (vi) the creation of a Higher Education Advisory Committee. The bill also makes technical amendments. This bill is a recommendation of the Governor's Commission on Higher Education Reform, Innovation and Investment. This bill is identical to HB 2510.

Law Advice: New Requirement

SB1469 Medical malpractice; privileged communications of certain committees.

Companion Bill: HB2373

Chief Patron: Saslaw

Summary:

Provides that nothing in the statute governing privileged communications of certain health committees shall be construed as providing any privilege to any health care provider, emergency medical services agency, community services board, or behavioral health authority with respect to any factual information regarding specific patient health care or treatment, including patient health care incidents, whether oral, electronic, or written. However, the analysis, findings, conclusions, recommendations, and the deliberative process of any medical staff committee, utilization review committee, or other committee, board, group, commission, or other entity, as well as the proceedings, minutes, records, and reports, including the opinions and reports of experts, of such entities shall be privileged in their entirety under the aforementioned statute. This bill is identical to HB 2373.

Law Advice: Change in Authority

SB1477 Inspector General, Office of State; established.

Companion Bill: HB2076

Chief Patron: Stosch

Summary:

Establishes the Office of the State Inspector General to be headed by a State Inspector General to investigate complaints alleging fraud, waste, abuse, or corruption by a state agency or nonstate agency or the officers and employees thereof. The bill also authorizes the State Inspector General to examine the management and operation of state agencies. The bill defines "nonstate agency" and provides a record exemption under the Freedom of Information Act for certain investigative/audit documents of the Office. The bill consolidates the offices of inspector general of the Departments of Behavioral Health and Developmental Services, Corrections, Juvenile Justice, and Transportation and the Department of the State Internal Auditor into this new office, and adds responsibility for tobacco indemnification and revitalization. The bill contains technical amendments and has a delayed effective date. The bill is identical to HB 2076.

Law Advice: New Requirement

SB1483 State and local government entities; limitation of authority over certain charitable organizations.

Chief Patron: Vogel

Summary:

Places limits on the authority of state and local government entities over charitable organizations that are nonstock corporations granted tax-exempt status under § 509(a) of the Internal Revenue Code. Under the bill, government agencies are prohibited from (i) requiring disclosure of demographic information regarding employees, officers, directors, trustees, owners of the organization or recipients of money or in-kind contributions without the consent of such individuals or entities; (ii) requiring the membership of the governing body to include individuals based on demographic characteristics; and (iii) requiring the distribution of funds to an individual or entity based on the demographic characteristics of the individual or entity.

Law Advice: New Requirement

SB1485 Investment in research and technology; expands Commonwealth Research

Commercialization Fund, etc.

Companion Bill: HB2324

Chief Patron: Newman

Summary:

Amends the Commonwealth Research Commercialization Fund (CRCF) to allow for awards for a matching funds program and an eminent researcher program. The bill also expands upon the Innovation and Entrepreneurship Investment Authority's (IEIA) current responsibility to develop a strategic roadmap for research in the Commonwealth. The roadmap shall identify areas of focus for research investment in the Commonwealth based upon criteria set forth in the bill, and any awards from the CRCF must fall into one of these areas of focus. The bill establishes a Research and Technology Investment Advisory Committee to assist the IEIA in making awards from the CRCF by ensuring that applications considered for awards are based upon sound science and research, are in an area of focus identified in the roadmap, and present significant potential for commercialization in the Commonwealth. This bill incorporates SB 1322. This bill is identical to HB 2324.

Law Advice: New Authority

Effective April 6, 2011

SJ325 Governor; confirming appointments.

Chief Patron: Howell

Summary:

Confirms interim appointments made by Governor McDonnell of certain persons and communicated to the General Assembly August 2, 2010.

Law Advice: FYI - No Direct Impact

Confirms BOV appointments made by Governor in 2010

SJ358 Cancer Prevention Day; designating as February 4, 2011, and each succeeding year thereafter.

Chief Patron: Vogel

Summary:

Designates February 4, in 2011 and in each succeeding year, as Cancer Prevention Day in Virginia.

Law Advice: FYI - No Direct Impact

SJ386 Virginia Sports Hall of Fame and Museum; recognizing its outstanding program.

Companion Bill: HJ694

Chief Patron: Quayle

Summary:

Recognizing the Virginia Sports Hall of Fame and Museum for its outstanding programs and exhibits as Virginia's official sports hall of fame and commending the 2011 inductees into the Virginia Sports Hall of Fame.

Law Advice: FYI - No Direct Impact

SJ497 Celebrating the life of Dr. John Francis Dammann.

Chief Patron: Deeds

Law Advice: FYI - No Direct Impact

SJ524 Commending James Alfred Farrior.

Chief Patron: Marsh

Summary:

Commends James Alfred Farrior, native son, on his remarkable professional football career, great humanitarian spirit, and efforts to assist the underprivileged in Virginia.

Law Advice: FYI - No Direct Impact

SR22 VRS; Senate Committee on Finance to study investment portfolio managed thereby.

Chief Patron: McEachin

Summary:

Directs the Senate Committee on Finance to study the investment portfolio managed by the Virginia Retirement System. In conducting its study, the committee shall examine how the Virginia Retirement System selects firms to manage its investment portfolio and determine if more minority-owned firms should be used to help the Virginia Retirement System manage its investment portfolio.

Law Advice: Monitor and Track