

**2011 GENERAL ASSEMBLY SESSION  
SUMMARY OF KEY LEGISLATION AFFECTING U.VA.**

---

**ACADEMICS & RESEARCH**

[HB1435](#) (*Dickie Bell*) - *American Sign Language; recognition for completed coursework.* 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.

[HB1647](#) (*Tata*) - *Higher education; military reinstatement guidelines.* 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.

[HB1910](#) (*Jackson Miller*)/[SB1448](#) (*Barker*) - *Cambridge Advanced (A/AS) Exams; course credit.* 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.

[HB2324](#) (*Lingamfelter*)/[SB1485](#) (*Newman*) - *Investment in research and technology in the Commonwealth.* 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.

[HB2510](#) (*Kirk Cox*)/[SB1459](#) (*Houck*) - *Virginia Higher Education Opportunity Act of 2011.* 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.

[SB1077](#) (*Barker*) - *International Baccalaureate and Advanced Placement; course credit.* Clarifies that students should be eligible for credit for International Baccalaureate and Advanced Placement examinations, not the courses.

**ADMINISTRATION**

[HB1457](#) (Bob Marshall) - *Freedom of Information Act; violations and penalties*. 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.

[HB2020](#) (May) - *Virginia Freedom of Information Act; definitions*. 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.

[HB2076](#) (Landes)/[SB1477](#) (Stosch) - *Office of the State Inspector General*. 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.

[HB2140](#) (Johnson)/[SB1110](#) (Wampler) - *University of Virginia; management agreement*. 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.

[HB2328](#) (Lingamfelter)/[SB1428](#) (Marsh) - *Six-Year Capital Outlay Plan*. 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.

**2010-12 BIENNIAL BUDGET**

[HB1500](#) (Putney) - *Budget Bill*. Amending Chapter 874 of the 2010 Acts of Assembly, which appropriated funds for the 2010-12 Biennium, and to provide a portion of revenues for the two years ending, respectively, on the thirtieth day of June, 2011, and the thirtieth day of June, 2012.

**General Higher Education Items**

- [Item 96](#) - *Virginia Research and Technology Investment Fund*. Provides \$10 million in FY2012 for the purposes set forth in HB2324/SB1485 (\$4 million for the Center for Innovative Technology's GAP Fund; \$6 million for the Commonwealth Research Commercialization Fund).
- [Item 139](#) - *SCHEV Capital Project Review*. Provides a fund consisting of fees imposed by SCHEV for review of proposed capital outlay projects at higher education institutions.
- [Item 297](#) - *Medicaid*. Suspends Medicaid payment delays in FY2010-11 to maximize federal matching funds.
- [Item 469I](#) - *VRS employer contributions*. Increases the VRS employer retirement contribution rates to 6.58% for the fourth quarter of FY2012.
- [Item 469T](#) - *VRS employee contributions*. Requires employees enrolled in the VRS hired prior to July 1, 2010, pay the 5% employee share of contributions (currently paid by the University), and provides a 5% salary increase to offset the required contribution.

**U.Va.-Specific Items**

- [Item 187](#) - *Enrollment Growth*. Provides \$705,000 to support the enrollment of additional in-state undergraduate students in FY2012 in support of the goal of the Governor's Higher Education Commission to increase access for in-state students.
- [Item 187N](#) - *Public-Private Partnership*. Provides \$850,000 in FY2012 to support a public-private partnership between GMU, JMU, U.Va., Virginia Tech, and CISCO Systems, Inc. to increase access, reduce time to graduation, and reduce unit cost.
- [Item 189](#) - *Cancer Research*. Provides \$3 million in FY2011 for cancer research funding.

- [Item C-50.05](#) - *Rotunda funding*. Authorizes the issuance of \$2.69 million in state funded bonds for renovations to the Rotunda roof and dome.

Visit the State Budget Web site for additional information on the 2010-12 biennial budget: <http://leg2.state.va.us/MoneyWeb.NSF/SB2011>.

### **COMMENDATIONS/COMMEMORATIONS**

[HJ950](#) (*Toscano*) - *Commending the Honorable Lewis F. Payne*.

[HR44](#) (*Lee Ware*) - *Commending E.D. Hirsch*.

[SJ497](#) (*Deeds*) - *Celebrating the life of Dr. John Francis Dammann*.

### **EMPLOYEE-RELATED**

[HB1795](#) (*Tata*) - *Virginia Retirement System; employee who becomes member on or after July 1, 2010*. 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.

[HB1796](#) (*Tata*) - *Plans administered by the Virginia Retirement System; technical changes*. 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.

[HB2198](#) (*Comstock*) - *Employment of personnel in the executive branch of state government*. 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.

### **HEALTH-RELATED**

[HB1459](#) (*Albo*)/[SB771](#) (*Saslaw*) - *Remedies; limitation on recovery in certain medical malpractice actions*. 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.

[HB1836](#) (*O'Bannon*) - *Hospitals; DNA sampling of infants*. 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.

[HB2216](#) (*Stolle*)/[SB1116](#) (*Northam*) - *Laboratory results; authority to receive directly*. 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.

[HB2384](#) (*Orrock*) - *Medicaid Works program; maximum allowable earnings*. 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.

[SB1245](#) (*Vogel*) - *Registered nurses; provisional licensure*. 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.

### **SAFETY & SECURITY**

[HB2063](#) (*Rob Bell*)/[SB1222](#) (*Barker*) - *Protective orders; availability; penalty*. 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.

The above listing represents a small sample of legislation enacted by the 2011 General Assembly and applicable to the University. Access the Law Report on the State Governmental Relations website at <http://www.virginia.edu/governmentalrelations/reports.html>.

Visit the online [Legislative Information System](#) for additional information related to the 2011 General Assembly Session and to read the full text of legislation.