

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

May 25, 2012

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HB3 Child abuse or neglect; athletic coaches, etc. of private sports teams required to report to DSS.

Chief Patron: Marshall, R.G.

Summary:

Adds athletic coaches, directors, or other persons aged 18 years or older employed by or volunteering with private sports organizations or teams and administrators or employees aged 18 years or older of public or private day camps, youth centers, and youth recreation programs to the list of persons required to report suspected child abuse or neglect to the Department of Social Services.

Law Advice: New Requirement

HB33 Public procurement; state agency agreements with labor organizations.

Chief Patron: Comstock

Summary:

Requires state agencies to ensure that neither the state agency nor any construction manager acting on behalf of the state agency shall, in its bid specifications, project agreements, or other controlling documents relating to the operation, erection, construction, alteration, improvement, maintenance, or repair of any public facility of public works, (i) require or prohibit bidders, offerors, contractors, or subcontractors to enter into or adhere to agreements with one or more labor organizations, on the same or related projects, or (ii) discriminate against bidders, offerors, contractors, subcontractors, or operators for becoming or refusing to become or remain signatories or otherwise to adhere to agreements with one or more labor organizations, on the same or other related public works projects.

Law Advice: FYI - No Direct Impact

Exempt under Restructuring.

HB41 Personal property tax; situs of certain motor vehicles.

Chief Patron: Tata

Summary:

Provides that when a motor vehicle is normally garaged in a location different from the domicile of the owner of the vehicle due to its use by a student attending an institution of higher education, then the situs is the owner's domicile. Under current law, the situs of such vehicle is the owner's domicile only if the student is the owner.

Law Advice: FYI - No Direct Impact

HB41 has no direct impact on the University, but could have an impact on personal property taxes paid by students who use vehicles in Charlottesville and Albemarle.

HB74 Child abuse or neglect; reduces mandatory time limit for reporting, requirements of certain persons.

Chief Patron: Bell, Richard P.

Summary:

Reduces the time limit for reporting suspected child abuse or neglect by mandated reporters from 72 hours to as soon as possible but not longer than 24 hours after having reason to suspect a reportable offense of child abuse or neglect. In addition, the bill provides that in cases in which the initial report of suspected abuse or neglect is made by a mandated reporter to the person in charge of the institution or department in which the mandated reporter works, as

provided in current law, the person who receives the report shall notify the person who made the initial report when the suspected child abuse or neglect is reported to the local department or state hotline and of the name of the individual receiving the report and shall forward any communications or information about action taken regarding the report to the person who made the initial report.

Law Advice: Change in Requirement

Similar to HB970, HB1237, SB239.

HB79 Disability Commission; establishing work groups to assist in carrying out powers and duties, etc.

Chief Patron: Orrock

Summary:

Provides that the Virginia Disability Commission shall establish work groups to assist the Commission in carrying out its powers and duties. Such work groups shall include work groups that focus on issues related to (i) housing and transportation, (ii) education and employment, (iii) publicly funded services, and (iv) such other issues as the Commission may deem necessary. The bill also repeals the sunset provision for the Commission, which is set to expire July 1, 2012. This bill incorporates HB 1229.

Law Advice: FYI - No Direct Impact

HB81 Real property tax; prior use of any property shall not be considered in land use valuation.

Chief Patron: Orrock

Summary:

Provides that prior use of any property shall not be considered in determining its current use for land use valuation purposes. The bill contains technical amendments.

Law Advice: FYI - No Direct Impact

HB83 Mammograms; information on breast density.

Companion Bill: SB544

Chief Patron: Orrock

Summary:

Requires the Board of Health to establish guidelines requiring licensed facilities or physicians' offices where mammography services are provided to (i) include information on breast density in mammogram letters sent to patients and (ii) in mammogram letters sent to patients who have dense breast tissue, include a notice containing information about the potential effects of dense breast tissue on mammograms and explaining that patients may wish to contact their physicians for additional information. This bill is identical to SB 544.

Law Advice: New Requirement

HB98 Athletic training; amends definition.

Chief Patron: Bell, Richard P.

Summary:

Amends the definition of the practice of athletic training so that licensed physical therapists may no longer direct such

practice.

Law Advice: Change in Requirement

HB99 Leased vehicles' registration; DMV to obtain name of business, street address, etc. of lessees.

Chief Patron: Loupassi

Summary:

Requires DMV to obtain in applications for registration of leased vehicles the residence street address of individual lessees and the names and street addresses of lessees that are businesses.

Law Advice: New Requirement

HB127 Property and casualty insurance policies; forms and endorsements.

Chief Patron: Kilgore

Summary:

Requires property and casualty insurance policies to contain a list of all policy forms and endorsements applicable to that policy, which shall display the respective form numbers and, if those form numbers are not unique identifiers of such forms, the applicable edition dates. The measure will become effective on October 1, 2012.

Law Advice: FYI - No Direct Impact

Delayed effective date: October 1, 2012.

HB133 Insurance information; posting on insurer's website.

Chief Patron: Kilgore

Summary:

Authorizes any property and casualty insurer to post property and casualty insurance forms and endorsements on the insurer's publicly available website in lieu of any other method of delivery upon complying with conditions, including a requirement that the insurer gives written notice, at time of the issuance of the initial policy and any renewal, of a method by which policyholders may obtain a paper or electronic copy of their policy or contract. This provision does not apply to forms and endorsements that contain personally identifiable information. An insurer that posts such information on its website is required to furnish to any insured who requests it a paper or electronic copy of the insured's policy or contract, without charge.

Law Advice: FYI - No Direct Impact

HB137 Workers' compensation; injuries presumed to be in course of employment.

Chief Patron: Habeeb

Summary:

Revises the provision enacted in 2011 that created a presumption, in the absence of a preponderance of evidence to the contrary, that an injury is work related if an employee is physically or mentally unable to testify and there is un rebutted prima facie evidence that the injury was work related. This measure substitutes the phrase "arose out of and were in the course of employment" for "were work related."

Law Advice: Change in Requirement

HB153 Workers' compensation; exclusion of certain employees.

Chief Patron: Ware, R.L.

Summary:

Excludes a person who suffers an injury on or after July 1, 2012, from coverage under the Virginia Workers' Compensation Act if there is jurisdiction under either the Longshore and Harbor Workers' Compensation Act or the Merchant Marine Act of 1920. The measure provides that the Workers' Compensation Act will not be construed to eliminate or diminish any right that a person or his personal representative may have under either of such federal acts.

Law Advice: New Requirement

HB177 Health records privacy; disclosure to emergency medical services councils.

Chief Patron: O'Bannon

Summary:

Provides that health care providers shall disclose health information to a regional emergency medical services council when the health information and data will be used for purposes limited to monitoring and improving the quality of emergency medical services.

Law Advice: New Requirement

HB183 Family Access to Medical Insurance Security Plan; coverage for certain children and pregnant women.

Companion Bill: SB568

Chief Patron: O'Bannon

Summary:

Provides that the Board of Medical Assistance Services shall include a provision in the state plan for medical assistance services for medical assistance for otherwise eligible pregnant women during the first five years of lawful residence in the United States. The bill also requires the Department of Medical Assistance Services to provide coverage under the Family Access to Medical Insurance Security (FAMIS) Plan for otherwise eligible children and pregnant women during the first five years of lawful residence in the United States. This bill is identical to SB 568.

Law Advice: FYI - No Direct Impact

HB184 Medical Assistance Services, Board of; requires two members of Board to be fraud investigators.

Chief Patron: O'Bannon

Summary:

Requires that at least two members of the Board of Medical Assistance Services be individuals with significant professional experience in the detection, investigation, or prosecution of health care fraud.

Law Advice: FYI - No Direct Impact

HB195 Higher educational institutions; course credit for military service.

Chief Patron: Lewis

Summary:

Requires the governing boards of each public institution of higher education, in accordance with guidelines developed by the State Council of Higher Education for Virginia, to implement policies that award academic credit to students for educational experience gained from military service.

Law Advice: New Requirement

HB206 Real Estate Board; continuing education, duties of real estate brokers and salespersons.

Chief Patron: Miller

Summary:

Requires the Real Estate Board to establish procedures for carrying over continuing education credits by real estate licensees. The bill also (i) authorizes the Board to regulate the permitted activities of unlicensed individuals employed by licensees or under the supervision of a broker; (ii) requires brokers to certify that their brokerage firms or sole proprietorships have been audited for compliance with real estate law and Board regulations; (iii) sets out duties for supervising brokers at each branch location with regard to supervising/training associate brokers and salespersons; (iv) clarifies the term "independent contractor"; (v) provides that licensees are not required to disclose whether an attorney or nonattorney will be providing settlement services; (vi) combines dual agency and dual representation disclosure forms for residential and commercial properties; and (vii) makes several changes to terminology related to dual and designated representation and agency relationships. The bill contains technical amendments.

Law Advice: FYI - No Direct Impact

HB211 Forward energy pricing; authorizes any public body to use mechanisms for budget risk reduction.

Companion Bill: SB539

Chief Patron: Miller

Summary:

Authorizes, subject to available appropriation, any public body to use forward pricing mechanisms for budget risk reduction. Forward pricing mechanisms are contracts or financial instruments that obligate the public body to buy or sell a specified quantity of energy at a future date at a set price or provide the option to buy or sell the contract or financial instrument. Forward pricing mechanism transactions may be made only if (i) the quantity of energy affected by the mechanism does not exceed the estimated energy use for the public body for the same period, (ii) the period of the mechanism does not exceed 48 months, (iii) a separate account is established for operational energy for the public body, (iv) the public body develops written policies and procedures, and (v) the public body establishes an oversight process. This bill is identical to SB 539.

Law Advice: New Authority

HB232 Renewable energy; expands definition.

Companion Bill: SB492

Chief Patron: Cosgrove

Summary:

Expands the definition of renewable energy to include landfill gas. The measure also provides that the RPS Goals under the renewable energy portfolio standard program may be composed of renewable thermal energy equivalents. A renewable thermal energy equivalent is the thermal energy output from a renewable-fueled combined heat and power generation facility that is (i) constructed, or renovated and improved, after January 1, 2012, (ii) located in the Commonwealth, and (iii) utilized in industrial processes other than the combined heat and power generation facility, where thermal energy is expressed as an equivalent number of megawatt hours. This bill is identical to SB 492.

Law Advice: FYI - No Direct Impact

HB243 Virginia Investment Partnership Act; definitions.

Companion Bill: SB338

Chief Patron: Cline

Summary:

Decreases from five to three years the legal presence requirement to be considered an existing Virginia manufacturer under the Virginia Investment Partnership Act. The bill contains a technical amendment. This bill is identical to SB 338.

Law Advice: Change in Requirement

HB253 Virginia Personnel Act; hiring preference for veterans, surviving spouses, and children.

Chief Patron: Stolle

Summary:

Adds the surviving spouse or child of a veteran killed in the line of duty to the preference in state employment for veterans. The bill defines child to mean a person under the age of 27 years. The bill contains technical amendments.

Law Advice: New Requirement

HB263 Correctional enterprises; Director of Purchases & Supply et al., to grant certain exemption, report.

Chief Patron: Peace

Summary:

Provides that state departments, institutions, and agencies may be granted an exemption from mandatory procurement of articles produced or manufactured by persons confined in state correctional facilities with the consent of both the Director of the Division of Purchases and Supply and the Chief Executive Officer of the Virginia Correctional Enterprises Program. The bill adds that an exemption may be granted if an identical article can be obtained at a verified lesser cost from the private sector, which is evidenced by a verified request for pricing. The bill requires that on or before November 30, 2012, the Director of the Department of General Services and the Director of the Department of Corrections report to the Governor and the General Assembly on the impact of the implementation of the provisions of the bill, including any cost savings to the Commonwealth, efficiencies realized, the impact on prisoner re-entry, and safety in correctional institutions. The Departments may include in the report recommendations for improvement in the process. HB 90 was incorporated into this bill.

Law Advice: FYI - No Direct Impact

Exempt under Restructuring.

HB265 Health Professions, Board of; required to meet annually rather than quarterly.

Chief Patron: Peace

Summary:

Requires the Board of Health Professions to meet at least annually, rather than quarterly.

Law Advice: FYI - No Direct Impact

HB266 Surgery; definition and who may perform.

Companion Bill: SB543

Chief Patron: Peace

Summary:

Defines "surgery" and provides that no person shall perform surgery unless he is (i) licensed by the Board of Medicine as a doctor of medicine, osteopathy, or podiatry; (ii) licensed by the Board of Dentistry as a doctor of dentistry; (iii) jointly licensed by the Boards of Medicine and Nursing as a nurse practitioner; (iv) a physician assistant acting under the supervision of a doctor of medicine, osteopathy, or podiatry; (v) a midwife performing episiotomies during childbirth; or (vi) acting pursuant to the orders and under the appropriate supervision of a licensed doctor of medicine, osteopathy, podiatry, or dentistry. The bill is identical to SB 543.

Law Advice: New Requirement

HB268 Occupational therapy; definition.

Companion Bill: SB340

Chief Patron: Peace

Summary:

Provides that the definition of "practice of occupational therapy" is amended to make clear that "practice of occupational therapy" includes the therapeutic use of occupations for habilitation and rehabilitation to enhance physical health, mental health, and cognitive functioning and that it includes the design of adaptive equipment and assistive technologies and consultation concerning the adaptation of sensory and social, as well as physical, environments. The bill requires the Board of Medicine to promulgate regulations to implement the provisions of this act to be effective within 280 days of its enactment. This bill is identical to SB 340.

Law Advice: Change in Requirement

HB269 Certificate of public need; process for review & approval of psychiatric & substance abuse services.

Chief Patron: Peace

Summary:

Eliminates the requirement that a Request for Applications be issued before the Commissioner of Health may accept and consider applications for a certificate of public need for establishment of psychiatric or substance abuse treatment

beds or services. The bill contains technical amendments.

Law Advice: Change in Requirement

HB271 Substance Abuse Recovery Support Services Grant Program; established, report.

Chief Patron: Peace

Summary:

Establishes the Substance Abuse Recovery Support Services Grant Program to provide grants to recovery support services providers in the Commonwealth. The bill requires the Department of Behavioral Health and Developmental Services to convene a work group of stakeholders to develop criteria for awarding grants.

Law Advice: FYI - No Direct Impact

HB282 Divorce or annulment; revocation of death benefits.

Chief Patron: Iaquinto

Summary:

Requires that every decree of divorce or annulment contain a notice alerting the parties that the final decree may not necessarily serve to revoke the designation of the other party as a beneficiary in a contract providing for a death benefit.

Law Advice: FYI - No Direct Impact

HB286 Garnishment, previous; allows costs incurred by judgment creditor are chargeable to judgment debtor.

Companion Bill: SB561

Chief Patron: Iaquinto

Summary:

Allows costs incurred by a judgment creditor in connection with a prior garnishment to be collected in a subsequent garnishment attempt that is based on the same judgment. This bill is identical to SB 561.

Law Advice: FYI - No Direct Impact

HB292 Virginia Economic Development Partnership Authority; increases membership of board of directors.

Companion Bill: SB405

Chief Patron: Scott, E.T.

Summary:

Adds the Secretary of Agriculture and Forestry and the Secretary of Technology as voting members of the board of directors of the Virginia Economic Development Partnership Authority. This bill is identical to SB 405.

Law Advice: FYI - No Direct Impact

HB299 Retail Sales and Use Tax; extends sunset date for exemption of certain educational materials.

Companion Bill: SB37

Chief Patron: Scott, E.T.

Summary:

Extends the sunset date from July 1, 2012, to July 1, 2017, on the sales and use tax exemption for textbooks and other educational materials withdrawn from inventory at book-publishing distribution facilities for free distribution to professors and other individuals who have an educational focus. This bill is identical to SB 37.

Law Advice: FYI - No Direct Impact

HB305 Higher educational institutions; crisis and emergency management plans.

Companion Bill: SB346

Chief Patron: Crockett-Stark

Summary:

Increases the Department of Emergency Management's oversight of institutional crisis and emergency management plans by requiring institutions to certify in writing to the Department that the required annual reviews and functional exercises have been conducted. This bill is identical to SB 346.

Law Advice: Change in Requirement

HB324 Tax-supported debt; method of calculating total principal amount issued by any state agency, etc.

Chief Patron: Massie

Summary:

Establishes the method of calculating the total principal amount of debt issued by any state agency, institution, board, or authority when the authority to issue the debt restricts the maximum principal amount of debt that may be issued.

Law Advice: FYI - No Direct Impact

HB330 Transplant Council; authorized to hire its own employees, etc.

Chief Patron: Villanueva

Summary:

Authorizes the Virginia Transplant Council to hire its own employees and pay them with moneys from the Virginia Donor Registry and Public Awareness Fund. The bill eliminates language designating the Board of Health as the budgetary administrator for the operation and administration of the Council and provides that the Council, rather than the Board of Health on its behalf as in current law, will administer the Fund and may apply for, accept, and expend gifts, grants, and donations on its own behalf. The Board of Health will continue to have authority to apply for, accept, and expend gifts, grants, and donations on behalf of the Council.

Law Advice: FYI - No Direct Impact

HB343 Virginia All-Payer Claims Database; created, report.

Companion Bill: SB135

Chief Patron: O'Bannon

Summary:

Establishes the Virginia All-Payer Claims Database system, in order to facilitate data-driven, evidence-based improvements in access, quality, and cost of health care and to improve the public health through understanding of health care expenditure patterns and operation and performance of the health care system. Entities that choose to submit claims data to the database shall do so pursuant to data use and submission agreements executed with the nonprofit organization that contracts with the Commissioner of Health for public health data needs. The bill also directs the Commissioner to develop a work group to study continuing health information needs in the Commonwealth. This bill is identical to SB 135.

Law Advice: FYI - No Direct Impact

HB346 Nurse practitioners; practice as part of patient care teams that includes a physician.

Chief Patron: O'Bannon

Summary:

Amends provisions governing the practice of nurse practitioners. The bill provides that nurse practitioners shall only practice as part of a patient care team and shall maintain appropriate collaboration and consultation, as evidenced in a written or electronic practice agreement, with at least one patient care team physician licensed to practice medicine in the Commonwealth. The bill also establishes requirements for written or electronic practice agreements for nurse practitioners, provides that physicians practicing as part of a patient care team may require nurse practitioners practicing as part of that patient care team to be covered by professional malpractice insurance, and amends requirements related to the prescriptive authority of nurse practitioners practicing as part of a patient care team.

Law Advice: Change in Requirement

HB347 Prescription Monitoring Program; disclosures.

Companion Bill: SB321

Chief Patron: Miller

Summary:

Modifies the Prescription Monitoring Program to (i) require dispensers of covered substances to report the method of payment for the prescription, (ii) require the Director of the Department of Health Professions to report information relevant to an investigation of a prescription recipient, in addition to a prescriber or dispenser, to any federal law-enforcement agency with authority to conduct drug diversion investigations, (iii) allow the Director to disclose information indicating potential misuse of a prescription by a recipient to the State Police for the purpose of investigation into possible drug diversion, and (iv) allow prescribers to delegate authority to access the Program to an unlimited number, rather than the current limit of two, of regulated health care professionals under their direct supervision. This bill is identical to SB 321.

Law Advice: Change in Requirement

HB350 Virginia Retirement System; modifies disability benefits provided to state employees.

Chief Patron: Cox, M.K.

Summary:

Modifies the disability benefits provided to state employees by (i) no longer reducing such benefit by the amount of military disability benefits received and (ii) reflecting changes made in 2009 by the General Assembly limiting new employees to disability payments in an amount of 60 percent of their creditable compensation for the first 60 months of employment. The bill also makes some technical changes. The bill contains an emergency clause.

Law Advice: Change in Requirement

Effective March 30, 2012.

HB352 Emergency management plans; victims' rights.

Chief Patron: Cox, J.A.

Summary:

Requires the Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund to be the lead coordinating agencies for individuals determined to be victims during critical events and emergencies under emergency management plans developed by school boards, institutions of higher education, the Board of Health, the State Emergency Medical Services Advisory Board, the Department of Emergency Management, and political subdivisions. This bill incorporates HB 380.

Law Advice: Change in Requirement

HB362 Garnishment; corrects form listing exemptions.

Companion Bill: SB89

Chief Patron: McClellan

Summary:

Corrects the form listing garnishment exemptions by replacing the reference to "rent or services of a laborer or mechanic" with "spousal or child support" to reflect amendments made in 1990 (Acts, Ch. 942) that were never incorporated into the form. This bill also contains technical amendments. This bill is a recommendation of the Committee on District Courts. This bill is identical to SB 89.

Law Advice: FYI - No Direct Impact

HB375 Firearms; workplace rule by locality that prevents storing in locked motor vehicle, exceptions.

Chief Patron: Pogge

Summary:

Provides that no locality shall adopt any workplace rule, other than for the purposes of a community services board or behavioral health authority, that prevents an employee of that locality from storing at that locality's workplace a lawfully possessed firearm and ammunition in a locked private motor vehicle.

Law Advice: FYI - No Direct Impact

HB384 Virginia Personnel Act; hiring preference in state employment for members of National Guard, etc.

Companion Bill: SB527

Chief Patron: Cole

Summary:

Establishes a preference in state hiring for members of the Virginia National Guard. Under the bill, when a member of the Virginia National Guard or a veteran applies for a position or job classification requiring an assessment using numerical ratings, points equal to five percent of the total points available from the assessment device or devices shall be added to the member's passing score. The preference shall not be applied if recruitment for the position is limited to state employees or over an applicant who is (i) a veteran or (ii) a former prisoner of war.

Law Advice: New Requirement

HB385 Industrial development authorities; removes prohibition for refinancing debt of organizations.

Chief Patron: Cole

Summary:

Removes a prohibition that currently prevents industrial development authorities (also referred to as economic development authorities) from refinancing debt of organizations that are organized and operated for educational purposes.

Law Advice: FYI - No Direct Impact

HB433 Real Estate Appraiser Board; shall develop continuing education curriculum for licensees, report.

Companion Bill: SB507

Chief Patron: Tata

Summary:

Requires the Real Estate Appraiser Board to evaluate the development of a continuing education curriculum for licensees that includes the effects of the use of energy efficiency and renewable energy equipment on the determination of the fair market value in the appraisal of non-income-producing residential real estate. Under the bill, the Board is required to report its findings to the Chairmen of the House Committee on General Laws, the Senate Committee on General Laws and Technology, and the Housing Commission by November 1, 2012. This bill is identical to SB 507.

Law Advice: FYI - No Direct Impact

HB441 Uniform Certificate of General Studies; credits earned in academic subject area coursework.

Chief Patron: Tata

Summary:

Clarifies that credits earned in academic subject area coursework as part of the Uniform Certificate of General Studies shall be transferable to a four-year public institution of higher education.

Law Advice: Change in Requirement

HB453 Workers' compensation; penalty for State's failure to pay.

Chief Patron: Ware, R.L.

Summary:

Updates the provision that excuses the Commonwealth from assessment of a penalty for failing to pay workers' compensation benefits when the Commonwealth has issued a regular payroll payment to the employee in lieu of compensation covering the period of disability. The measure allows the payment to be made in any form, and not only by check. The measure also clarifies that a regular payroll payment issued by the Commonwealth includes payments issued net of deductions for elected and mandatory benefits and other standard deductions.

Law Advice: Change in Requirement

HB462 Abortion; informed consent, shall undergo ultrasound imaging, exceptions.

Chief Patron: Byron

Summary:

Requires that, as a component of informed consent to an abortion, to determine gestational age, every pregnant female shall undergo transabdominal ultrasound imaging and be given an opportunity to view the ultrasound image of her fetus prior to the abortion. The medical professional performing the ultrasound must obtain written certification from the woman that the opportunity was offered and whether the woman availed herself of the opportunity to see the ultrasound image or hear the fetal heartbeat. A copy of the ultrasound and the written certification shall be maintained in the woman's medical records at the facility where the abortion is to be performed. The ultrasound is not required if the woman is the victim of rape or incest and the incident was reported to law enforcement. This bill incorporates HB 261.

Law Advice: New Requirement

HB475 Involuntary commitment; alters criteria for ordering mandatory outpatient treatment.

Chief Patron: Albo

Summary:

Alters the criteria for ordering a person to mandatory outpatient treatment or discharging a person for a period of mandatory outpatient treatment following involuntary commitment, replacing the requirements that the person has the capacity to understand and comply with the treatment, has expressed an interest in outpatient treatment, and has agreed to comply with the treatment with a requirement that the person has agreed to abide by the treatment plan and has the ability to do so. The bill also eliminates the requirement that providers of mandatory outpatient treatment services must have actually agreed to deliver such services before mandatory outpatient treatment may be ordered, and requires a finding that such services will be delivered to the person on an outpatient basis. The bill also provides that the duration of mandatory outpatient treatment following involuntary commitment shall not exceed 90 days, unless the order is continued. The bill also provides that mandatory outpatient treatment shall not include the use of physical force or restraint in administering medication.

Law Advice: FYI - No Direct Impact

HB480 FOIA; attendance by certain members in a closed meeting.

Chief Patron: Albo

Summary:

Provides that a member of a public body shall be permitted to attend a closed meeting held by any of its committees or subcommittees, provided such member does not participate in any discussions held by the committee or subcommittee conducting the closed meeting. The bill requires that the minutes of the committee or subcommittee include the identity of such member who attended the closed meeting.

Law Advice: Change in Requirement

HB481 State and Local Government Conflict of Interests Act; disclosure forms.

Chief Patron: Iaquinto

Summary:

Removes the signature notarization requirement from the Statement of Economic Interests disclosure form filed by certain state and local officers and employees. In addition, the bill clarifies that no person shall be mandated to file any disclosure under the State and Local Government Conflict of Interests Act unless specifically required by the Act. The bill also makes technical changes.

Law Advice: Change in Requirement

HB502 Landlord and tenant laws; receipt required for payments in form of cash or money order.

Chief Patron: Dance

Summary:

Requires that a landlord provide a tenant with a written receipt, upon the tenant's request, whenever the tenant pays rent in the form of cash or a money order. This bill is recommended by the Virginia Housing Commission.

Law Advice: FYI - No Direct Impact

HB507 Child abuse; increases reporting period by health care providers on substance exposed infants.

Companion Bill: SB448

Chief Patron: Garrett

Summary:

Increases the period of time from seven days to six weeks during which a health care provider, not exclusively the attending physician as in current law, may make a finding that an infant is a substance exposed infant in cases in which the determination is based on a drug test of the infant or on a diagnosis that the child has an illness, disease, or condition that may be attributed to in utero exposure to controlled substances. A diagnosis that the infant has fetal alcohol spectrum disorder may be made at any time following a child's birth. The bill also allows a petition to be filed alleging suspected child abuse or neglect based on a finding by a health care provider that an infant is a substance exposed infant at any time. This bill is identical to SB 448.

Law Advice: Change in Requirement

HB543 Massage therapists; licensure required by Board of Nursing.

Chief Patron: Robinson

Summary:

Requires that massage therapists be licensed, rather than certified, by the Board of Nursing; includes "bodywork" in the definition of "massage therapy"; and identifies activities that do not constitute massage therapy and bodywork. The bill also allows the Board of Nursing to issue a provisional license valid until July 1, 2014, to any individual who meets the current requirements for certification as a massage therapist, and requires the Board of Nursing to promulgate regulations to implement the provisions of the act with 280 days.

Law Advice: FYI - No Direct Impact

HB548 Higher educational institution; implement policies that recognize scheduling obligation by military.

Chief Patron: Comstock

Summary:

Requires public institutions of higher education, in accordance with guidelines developed by the State Council of Higher Education for Virginia, to implement policies that recognize the scheduling difficulties and obligations of active duty military personnel.

Law Advice: New Requirement

HB550 Agency reports; submission in written or electronic format.

Chief Patron: Comstock

Summary:

Allows agency reports to be submitted in written or electronic format.

Law Advice: Change in Requirement

HB552 Mental health and developmental services; replaces certain terminology, technical amendments.

Companion Bill: SB387

Chief Patron: Garrett

Summary:

Replaces the terms "mental retardation" and "mental deficiency" with the term "intellectual disability" when referring to the diagnosis of, and with the term "developmental" when referring to services for, individuals with intellectual disabilities; replaces the terms "mentally retarded," "mentally deficient," and "mentally defective" with the term "individual with intellectual disability"; replaces the terms "consumer," "patient," and "resident" with the term "individual receiving services" when used in connection with mental health or developmental services; updates the Code to reflect proper terminology for state hospitals for individuals with mental illness and state training centers for individuals with intellectual disabilities; defines the terms "behavioral health services," "developmental services," "individual receiving services," "intellectual disability," and "mental health services"; and revises the definition of "training center." This bill contains technical amendments. This bill is identical to SB 387.

Law Advice: FYI - No Direct Impact

HB577 Teachers of online courses and college partnership laboratory schools; background checks.

Chief Patron: Bell, Richard P.

Summary:

Clarifies that teachers of online courses and in college partnership laboratory schools shall, as a condition of employment requiring direct contact with students, provide written consent and the necessary personal information to obtain a search of the registry of founded complaints of child abuse and neglect maintained by the Department of Social Services.

Law Advice: FYI - No Direct Impact

HB629 University of Virginia; increases size of board of visitors.

Chief Patron: Massie

Summary:

Increases the size of the board of visitors from 16 to 17, of whom (i) at least 12 shall be appointed from the Commonwealth at large, (ii) at least 12 shall be alumni of the University of Virginia, and (iii) at least one shall be a physician with administrative and clinical experience in an academic medical center.

Law Advice: Change in Requirement

U.Va. sponsored legislation.

HB637 Grievance procedure; eliminates certain steps.

Companion Bill: SB417

Chief Patron: Iaquinto

Summary:

Eliminates certain steps in the grievance procedure by mandating that grievances following terminations due to formal discipline or unsatisfactory job performance proceed directly to a hearing. The bill also (i) allows either party to petition the circuit court to order only the implementation of the final decision of the hearing officer and not any recommendations of the hearing officer, (ii) reduces from 60 to 30 days the administrative review of the hearing decision by the Director of the Department of Human Resource Management, and (iii) removes the ability of the employee filing the grievance to have judicial review of the decision of the Director of the Department of Employment Dispute Resolution on whether the grievance qualifies for a hearing. The bill contains a technical amendment. The bill is identical to SB 417.

Law Advice: Change in Requirement

HB638 Judicial authorization of treatment; advance directives.

Companion Bill: SB371

Chief Patron: Stolle

Summary:

Provides that a court may authorize medical treatment for an incapacitated person when there is no available person with legal authority to make such decisions under (i) the advance directive of the incapacitated person; (ii) the regulations promulgated by the State Board of Behavioral Health and Developmental Services; or (iii) other applicable law. The court may not authorize treatment that is contrary to the provisions of an advance directive or is proven by a

preponderance of the evidence to be contrary to the incapacitated person's religious beliefs, basic values, or specific preferences as stated by the person before becoming incapable of making an informed decision, unless the treatment is necessary to prevent death or a serious irreversible condition. The bill also authorizes restraint or transportation of an incapacitated person if necessary for treating a mental disorder of a person subject to an order of involuntary admission. This bill is identical to SB 371.

Law Advice: FYI - No Direct Impact

HB639 Higher Education, State Council of; publication of graduate employment rates on its website.

Chief Patron: Stolle

Summary:

Requires public and private nonprofit institutions of higher education to publish data on the proportion of graduates with employment at 18 months and five years after the date of graduation. The data shall include the major and degree program, percentage of employment in the Commonwealth, average salary, and average higher education-related debt of graduates. The provisions of this bill will expire on June 30, 2017.

Law Advice: New Requirement

HB703 Higher educational institutions; policies related to student nonpayment to be established.

Chief Patron: Filler-Corn

Summary:

Requires the board of visitors or other governing body of every public institution of higher education to refrain from referring a student account to collections until required to do so by § 2.2-4806. This bill shall not apply to public institutions of higher education that have entered into Management Agreements with the Commonwealth.

Law Advice: FYI - No Direct Impact

Exempt under Restructuring.

HB733 Pharmacists; compounding authority.

Chief Patron: Jones

Summary:

Increases pharmacists' authority to compound to allow the compounding of (i) a commercially manufactured drug whose manufacturer has notified the FDA that the drug is unavailable due to a current drug shortage or (ii) a commercially manufactured drug when the prescriber has indicated in the written or oral prescription for an individual patient that there is an emergent need for a drug that is not readily available within the time medically necessary.

Law Advice: New Authority

HB734 Recordation tax; a deed to have amount of consideration stated on its first page of document.

Chief Patron: Jones

Summary:

Requires that a deed or other document regarding conveyance of real property state on its first page the actual consideration for the conveyance before it can be admitted to record.

Law Advice: FYI - No Direct Impact

HB737 Modeling and Simulation Advisory Council; adds two citizen members representing higher education.

Chief Patron: Jones

Summary:

Adds to the Modeling and Simulation Advisory Council two citizen members representing Virginia public institutions of higher education that have modeling and simulation capabilities.

Law Advice: FYI - No Direct Impact

HB739 Virginia College Savings Plan; JLARC to oversee and evaluate, report.

Companion Bill: SB599

Chief Patron: Jones

Summary:

Directs the Joint Legislative Audit and Review Commission (JLARC) to oversee and evaluate the Virginia College Savings Plan on a continuing basis. The bill requires JLARC and the Virginia College Savings Plan to make certain reports to the General Assembly. This bill is identical to SB 599.

Law Advice: FYI - No Direct Impact

HB756 Innovation Technical Advisory Group; established.

Chief Patron: Dance

Summary:

Authorizes the Department of Education to establish an Innovation Technical Advisory Group, comprised of individuals with experience in the establishment and operation of charter schools, college partnership laboratory schools, and virtual school programs, or to retain the services of individuals with such experience to provide technical assistance and advice to the Board in carrying out its duties relating to charter schools, college partnership laboratory schools, and virtual school programs.

Law Advice: FYI - No Direct Impact

HB764 Higher educational institutions; indemnification agreements.

Chief Patron: Peace

Summary:

Provides that no Virginia public institution of higher education shall be authorized to enter into an indemnification agreement to indemnify any person or entity against damages arising from a sponsored project conducted by such institution. The bill contains technical amendments.

Law Advice: Change in Requirement

HB765 College partnership laboratory schools; allowed to operate jointly with local school boards.

Companion Bill: SB475

Chief Patron: Peace

Summary:

Allows a private institution of higher education that operates a teacher education program approved by the Board of Education to operate a college partnership laboratory school. Currently, only a public institution of higher education that operates a Board-approved teacher education program may do so. Tuition may be charged for courses for which the student receives college credit or for enrichment courses that are not required to achieve a Board-approved high school diploma. This bill is identical to SB 475.

Law Advice: FYI - No Direct Impact

HB771 Campus police officers; included in definition of law-enforcement officers.

Chief Patron: Landes

Summary:

Provides that campus police officers, as appointed by public and private institutions of higher education, are included within the definition of law-enforcement officer. The bill exempts campus police from undergoing a background check when purchasing a firearm, gives campus police the same authority to make arrests without a warrant as other law-enforcement officers, includes the children and spouses of campus police in the Virginia Military Survivors and Dependents Education Program, includes such officers in the Blue Alert Program, and adds campus police employed by a public institution to the list of officers entitled to the hypertension/heart disease and infectious disease presumptions under the Virginia Workers' Compensation Act.

Law Advice: Change in Authority

HB791 Virginia Retirement System; technical changes to programs administered.

Chief Patron: Tata

Summary:

Makes technical changes to programs administered by the Virginia Retirement System.

Law Advice: FYI - No Direct Impact

HB829 Virginia Immunization Information System; linkages to other VDH databases.

Chief Patron: Farrell

Summary:

Allows the Commissioner of Health to allow health care providers authorized to access the Virginia Immunization Information System to also access other information maintained by the Department of Health, including newborn screening records, newborn hearing screening records, and blood-lead level records.

Law Advice: New Authority

HB852 Higher educational institutions; may require any accepted student provide complete record.

Companion Bill: SB375

Chief Patron: Yost

Summary:

Clarifies that an institution of higher education may require that any accepted student provide a complete student record, including any mental health record, from not only his high school but also any other institution of higher education he has attended. This bill is identical to SB 375.

Law Advice: New Authority

HB853 Suicidal students; higher educational institutions shall develop policies addressing.

Companion Bill: SB458

Chief Patron: Yost

Summary:

Removes repetitive language permitting universities to establish policies regarding students who are a danger to themselves or others; this section and another on violence prevention already permit such policies. This bill is identical to SB 458.

Law Advice: Change in Requirement

HB867 Certificates of insurance; unfair insurance trade practices.

Companion Bill: SB47

Chief Patron: Rust

Summary:

Prohibits any person from (i) issuing or delivering a certificate of insurance that attempts to confer any rights upon a third party beyond what the referenced policy of insurance expressly provides; (ii) knowingly demanding or requiring the issuance of a certificate of insurance from an insurer, insurance producer, or policyholder that contains any false or misleading information concerning the policy; (iii) knowingly preparing or issuing a certificate of insurance that contains any false or misleading information or that purports to affirmatively or negatively alter, amend, or extend the coverage provided by the policy; and (iv) issuing or delivering a certificate of insurance that does not contain a statement regarding such matters. However, such a statement is not required if a certificate of insurance is required by a state or federal agency and accurately reflects the coverage provided by the underlying policies. A certificate of insurance may not represent an insurer's obligation to give notice of cancellation or nonrenewal to a third party unless the giving of the notice is required by the policy. The State Corporation Commission is authorized to determine if a person is engaged in such practice prohibited as an unfair trade practice. This bill is identical to SB 47.

Law Advice: FYI - No Direct Impact

HB885 Nurses; licensure exemption.

Companion Bill: SB415

Chief Patron: Hodges

Summary:

Exempts from licensure any nurse who holds a current unrestricted license in another state, the District of Columbia, or a United States possession or territory while such nurse is in the Commonwealth temporarily and is practicing nursing in a summer camp or in conjunction with clients who are participating in specified recreational or educational

activities. This bill is identical to SB 415.

Law Advice: FYI - No Direct Impact

HB900 Higher educational institutions; mental health and parental notification policies.

Companion Bill: SB374

Chief Patron: Brink

Summary:

Provides that any person licensed to diagnose and treat mental, emotional, or behavioral disorders who is treating a student may determine to withhold parental notification of a dependent student's mental health treatment if such person determines that the notification may result in substantial harm. Currently, only a physician or clinical psychologist can make such a determination. This bill is identical to SB 374.

Law Advice: Change in Authority

HB938 Military training, etc.; regulatory boards to accept as equivalent to requirements for licensures.

Chief Patron: Lingamfelter

Summary:

Requires the regulatory boards within the Department of Professional and Occupational Regulation, the Department of Health Professions, or any board named in Title 54.1 except the Board of Medicine and the Board of Dentistry, to accept the military training, education, or experience of a service member returning from active military service in the armed forces of the United States, to the extent that such training, education, or experience is substantially equivalent to the requirements established by law and regulations of the respective board for the issuance of any license, permit, certificate, or other document, however styled or denominated, required for the practice of any business, profession, or calling in the Commonwealth. The bill provides that to the extent that the service member's military training, education, or experience, or portion thereof, is not deemed substantially equivalent, the respective board shall credit whatever portion of the military training, education, or experience that is substantially equivalent toward meeting the requirements for the issuance of the license, permit, certificate, or other document. The bill authorizes a regulatory board to require the service member to provide such documentation of his training, education, or experience as deemed necessary to determine substantial equivalency. The bill defines the term "active military service."

Law Advice: FYI - No Direct Impact

HB939 Accounts, Department of; recovery of erroneous or improper payments to state officer or employee.

Chief Patron: Lingamfelter

Summary:

Provides that when a state officer or employee receives compensation or payments in error such officer or employee will be liable for repayment unless the state officer or employee proves by a preponderance of the evidence that the recipient officer or employee was not at fault for the error and did not have actual knowledge of or could not have reasonably detected the error. The bill provides that if the officer or employee (i) does not dispute liability, (ii) receives overpayments stemming from erroneous good faith under-withholdings for retirement or other benefits, (iii) receives overpayments of less than \$500 from erroneous good faith wage, salary, or expense reimbursements, or (iv) is

determined to be liable by a court of competent jurisdiction, then the employer shall be authorized to use payroll deductions limited to 25 percent of disposal earnings to effect repayment. If the officer or employee leaves state service, liability is disputed, or recovery cannot otherwise be accomplished, the employer shall request the Attorney General to bring an action for restitution.

Law Advice: Change in Requirement

HB943 Service handguns; certain law-enforcement officers to purchase.

Chief Patron: Lingamfelter

Summary:

Reduces by five years the amount of time that certain law-enforcement officers must have served in order for the officer, or in some cases the officer's survivor, to purchase the officer's service handgun.

Law Advice: Change in Requirement

HB965 Campus police; mutual aid agreements with local law-enforcement agencies and State Police.

Companion Bill: SB302

Chief Patron: Bell, Robert B.

Summary:

Requires campus police to enter into mutual aid agreements with an adjacent local law-enforcement agency or the State Police for cooperation in providing assistance with the investigation of deaths and alleged rapes occurring on college campuses. This bill is identical to SB 302.

Law Advice: New Requirement

HB969 Sexual assault response teams; State attorney to invite chiefs of campus police to annual meeting.

Companion Bill: SB301

Chief Patron: Bell, Robert B.

Summary:

Requires each attorney for the Commonwealth to invite any chiefs of campus police of institutions of higher education located within the jurisdiction to the annual SART meeting. This bill is identical to SB 301.

Law Advice: FYI - No Direct Impact

HB970 Child abuse and neglect; mandatory reporting, penalties.

Chief Patron: Bell, Robert B.

Summary:

Adds any person employed by a public or private institution of higher education other than an attorney who is employed by a public or private institution of higher education who obtains information about suspected abuse or neglect of a child in the course of providing legal representation to a client to the list of individuals required to report suspected abuse or neglect of a child.

Law Advice: New Requirement

Similar to HB74, HB1237, SB239. Mandate not applicable to attorneys employed by public institutions of higher education.

HB996 Minority Business Enterprise, Department of; authorizes electronic certification process.

Chief Patron: Ransone

Summary:

Authorizes the Department of Minority Business Enterprise to accept applications for certification as a small, women-owned, or minority-owned business through electronic means.

Law Advice: FYI - No Direct Impact

HB1016 Alternative Fuel Vehicle Conversion Fund; established.

Chief Patron: Poindexter

Summary:

Establishes the Alternative Fuel Vehicle Conversion Fund to assist state agencies with the incremental cost of converting an existing state-owned vehicle to use an alternative fuel or of purchasing a new vehicle equipped to operate on alternative fuel over a similar conventional-fuel-powered vehicle. The Fund would be administered by the Department of General Services.

Law Advice: FYI - No Direct Impact

HB1075 Hospital discharge procedures; community services boards to provide information on certain services.

Companion Bill: SB201

Chief Patron: Hugo

Summary:

Requires hospitals to educate patients, and in certain circumstances their families, about follow-up care, treatment, and services upon discharge. The bill also requires community services boards to provide information to hospitals about alcohol and substance abuse services available to minors.

Law Advice: New Requirement

HB1130 Retirement System; hybrid retirement program created, optional defined retirement plan created, etc.

Companion Bill: SB498

Chief Patron: Howell, W.J.

Summary:

Creates a new hybrid retirement program, administered by the Virginia Retirement System, that contains a defined contribution and a defined benefit component. All new state employees, local employees, and judges commencing employment on or after January 1, 2014, would be required to participate in the hybrid plan. Employees in service on December 31, 2013, would be given the opportunity to make a one-time, irrevocable election to participate in the new

hybrid program. The bill also creates a disability program for local employees participating in the hybrid plan. The bill also makes adjustments to the existing defined benefit plan for nonvested employees, including lowering the retirement benefit multiplier from 1.7 to 1.65, basing average final compensation on 60 months of service instead of 36, and capping the cost-of-living adjustment at three percent. Any person with less than 20 years service who takes early retirement would not receive a cost-of-living adjustment until one year after he reaches normal retirement age. This bill is identical to SB 498.

Law Advice: New Requirement

HB1140 Carisoprodol; added to list of Schedule IV controlled substances.

Chief Patron: Hodges

Summary:

Adds carisoprodol to the list of Schedule IV controlled substances in the Drug Control Act.

Law Advice: FYI - No Direct Impact

HB1141 Ezogabine; added to list of Schedule V controlled substances.

Chief Patron: Hodges

Summary:

Adds ezogabine to Schedule V of the Drug Control Act.

Law Advice: FYI - No Direct Impact

HB1147 Garnishment; venue, garnishment without judgement debtor's social security number.

Companion Bill: SB625

Chief Patron: Iaquinto

Summary:

Provides that a judgment creditor may institute garnishment proceedings in the jurisdiction where the judgment debtor resides even though the underlying judgment was entered by another court. The judgment creditor must file with the court where the judgment debtor resides an abstract of the judgment rendered, pay all applicable court fees to the court, and file any release or satisfaction of judgment in both courts. The bill also clarifies that judgment creditors who have made a good faith effort to secure the judgment debtor's social security number and are unable to do so may nevertheless have a garnishment summons issued. This bill is identical to SB 625.

Law Advice: New Authority

HB1152 Threat assessment teams; authorized to receive health and criminal history records of students.

Chief Patron: Massie

Summary:

Authorizes threat assessment teams established by private nonprofit institutions of higher education to receive health and criminal history records of students for the purposes of assessment and intervention.

Law Advice: FYI - No Direct Impact

HB1160 Unlawful detention of U.S. citizens; prevents any agency, etc., from assisting in investigation.

Chief Patron: Marshall, R.G.

Summary:

Provides that no agency of the Commonwealth, political subdivision of the Commonwealth, employee of either acting in his official capacity, or member of the Virginia National Guard or Virginia Defense Force, when such member is serving in the Virginia National Guard or the Virginia Defense Force on official state duty, shall knowingly aid an agency of the armed forces of the United States in the detention of any citizen pursuant to the National Defense Authorization Act for Fiscal Year 2012 if such aid would knowingly place any state agency, political subdivision, employee of such state agency or political subdivision, or member of the Virginia National Guard or the Virginia Defense Force in violation of the United States Constitution, the Constitution of Virginia, any provision of the Code of Virginia, any act of the General Assembly, or any regulation of the Virginia Administrative Code. The act does not apply to participation by state or local law enforcement or Virginia National Guard or Virginia Defense Force in joint task forces, partnerships, or other similar cooperative agreements with federal law enforcement as long as they are not for the purpose of participating in such detentions.

Law Advice: New Requirement

HB1167 High Performance Buildings Act; created.

Companion Bill: SB160

Chief Patron: Jones

Summary:

Requires executive branch agencies and institutions entering the design phase for the construction of a new building greater than 5,000 gross square feet in size, or renovating such a building where the cost of renovation exceeds 50 percent of the value of the building, to conform to Virginia Energy Conservation and Environmental Standards developed by the Department of General Services considering the U.S. Green Building Council (LEED) green building rating and other appropriate requirements. Exemptions from the requirement may be granted by the Director of the Department of General Services upon a finding of special circumstances that make construction or renovation to the standards impracticable. The bill incorporates HB 788.

Law Advice: New Requirement

HB1169 Workers' compensation; WCC shall retain jurisdiction for employees to pursue payment of charges.

Chief Patron: Habeeb

Summary:

Provides that the Workers' Compensation Commission shall retain jurisdiction for employees to pursue payment of charges for medical services notwithstanding that bills or parts of bills for health care services may have been paid by a source other than an employer, workers' compensation carrier, guaranty fund, or uninsured employer's fund.

Law Advice: Change in Requirement

HB1177 Virginia Energy Plan; adds to list of State's energy objectives.

Chief Patron: Watson

Summary:

Adds to the list of the Commonwealth's energy objectives the following: (i) ensuring an adequate energy supply and a Virginia-based energy production capacity; and (ii) minimizing the Commonwealth's long-term exposure to volatility and increases in world energy prices through greater energy independence.

Law Advice: FYI - No Direct Impact

HB1182 Tobacco Indemnification and Community Revitalization Fund; uses.

Chief Patron: Cox, M.K.

Summary:

Allows the Tobacco Indemnification and Community Revitalization Fund to provide grants for scientific research performed at one of the Commonwealth's National Cancer Institute-designated research institutes designed to advance the treatment and prevention of cancers that directly impact the citizens of tobacco-dependent communities throughout the southside and southwest regions of the Commonwealth.

Law Advice: New Authority

HB1203 Research & Technology Investment Advisory Committee; Authority shall administer.

Chief Patron: Dudenhefer

Summary:

Provides that the Innovation and Entrepreneurship Investment Authority shall administer the Research and Technology Investment Advisory Committee.

Law Advice: FYI - No Direct Impact

HB1212 Storage of health records; replaces obsolete terminology and cross-references referred to records.

Chief Patron: O'Bannon

Summary:

Replaces obsolete terminology and cross-references related to storage of health records, currently referred to as medical records or patient records.

Law Advice: FYI - No Direct Impact

HB1222 Public Procurement Act; definition of employment services organization, technical changes.

Chief Patron: Hope

Summary:

Updates outdated language referring to sheltered workshops by replacing that term with "employment services organizations." The bill defines employment services organizations. The bill also replaces the term "handicapped" with "individuals with disabilities."

Law Advice: FYI - No Direct Impact

Exempt under Restructuring

HB1237 Child abuse and neglect; mandatory reporting, penalties.

Chief Patron: Scott, E.T.

Summary:

Adds individuals who are 18 years of age or older and who are associated with or employed by any public organization responsible for the care, custody, or control of children to the list of individuals required to report suspected child abuse or neglect; reduces the time limit for reporting suspected child abuse or neglect by mandated reporters from 72 hours to 24 hours and increases the penalty for a second or subsequent failure to report from not less than \$100 nor more than \$1,000 to a fine of not less than \$1,000; provides that, in cases evidencing acts of rape, sodomy, or object sexual penetration, a person who knowingly and intentionally fails to make the required report shall be guilty of a Class 1 misdemeanor; and provides that no mandatory reporter shall be required to make a report if the person has actual knowledge that the same matter has already been reported to the local department or the Department's toll-free child abuse and neglect hotline.

Law Advice: Change in Requirement

Similar to HB74, HB970, SB239.

HB1273 Chemotherapy; requirements for orally administered cancer drugs.

Companion Bill: SB450

Chief Patron: Peace

Summary:

Provides that each health insurer, health care subscription plan, and health maintenance organization whose policies, contracts, or plans include coverage for intravenously administered, injected, and orally administered anticancer drugs shall provide that the criteria for establishing cost sharing applicable to orally administered cancer chemotherapy drugs and cancer chemotherapy drugs that are administered intravenously or by injection shall be consistently applied within the same plan. This requirement will apply to the state employees' health insurance plan and to the local choice health program. This bill is identical to SB 450.

Law Advice: FYI - No Direct Impact

HB1280 Psychiatric hospital admissions; local inmates.

Chief Patron: Stolle

Summary:

Amends the criteria for psychiatric inpatient admission for inmates at local correctional facilities to add mentally ill inmates for whom there exists a substantial likelihood that they will suffer serious harm due to their lack of capacity to protect themselves from harm. Under current law the standard is that the mentally ill inmate will cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm.

Law Advice: FYI - No Direct Impact

HB1300 Budget Bill.

Chief Patron: Putney

Summary:

Amending Chapter 890, 2011 Acts of Assembly.

HB1301 Budget Bill.

Chief Patron: Putney

Summary:

Appropriations of the Budget providing a portion of revenues for the two years ending respectively on the thirtieth day of June, 2013, and the thirtieth day of June, 2014.

HJ3 Constitutional amendment; taking or damaging of private property for public use (second reference).

Companion Bill: SJ3

Chief Patron: Bell, Robert B.

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.

Law Advice: FYI - No Direct Impact

HJ49 Governor's Executive Reorganization Plan; approval by each house of General Assembly.

Companion Bill: SJ66

Chief Patron: Gilbert

Summary:

Sets out the Governor's executive reorganization plan dated November 25, 2011, for approval by each house of the General Assembly and subject to the enactment of a bill by the 2012 Session of the General Assembly. The resolution sets out the pertinent details of the plan.

Law Advice: FYI - No Direct Impact

HJ85 Income tax credits, partnerships, etc.; House & Senate to study multiplier effects of various types.

Chief Patron: Purkey

Summary:

Directs a joint committee of the House Committee on Finance and the Senate Committee on Finance to study and determine the multiplier effects of various types of income tax credits, public-private partnerships, and other public-private investment programs.

Law Advice: Monitor and Track

HJ108 Higher educational institutions; JLARC to study cost efficiency and opportunities to reduce cost.

Chief Patron: Landes

Summary:

Directs the Joint Legislative Audit and Review Commission to study the cost efficiency of the Commonwealth's institutions of higher education and to identify opportunities to reduce the cost of public higher education in Virginia. This study ends in November 2014.

Law Advice: Monitor and Track

HJ120 Mesothelioma Awareness Day; designating as September 26, 2012, and each succeeding year thereafter.

Chief Patron: Sickles

Summary:

Designates September 26, in 2012 and in each succeeding year, as Mesothelioma Awareness Day in Virginia.

Law Advice: FYI - No Direct Impact

HJ128 Shaken Baby Syndrome Awareness Week; designating third week in April 2013, and each succeeding year.

Companion Bill: SJ58

Chief Patron: Brink

Summary:

Designates the third week in April, in 2013 and in each succeeding year, as Shaken Baby Syndrome Awareness Week in Virginia.

Law Advice: FYI - No Direct Impact

HJ132 Homeland security and emergency management; JLARC to study planning & preparedness efforts in State.

Chief Patron: Lingamfelter

Summary:

Directs the Joint Legislative Audit and Review Commission to study the ongoing planning and preparedness efforts throughout the Commonwealth with regard to homeland security and emergency management. The Joint Legislative Audit and Review Commission must report its final findings and recommendations to the 2013 Session of the General Assembly.

Law Advice: Monitor and Track

HJ145 Preeclampsia Month; designating as May 2012, and each succeeding year thereafter.

Chief Patron: Hugo

Summary:

Designates May, in 2012 and in each succeeding year, as Preeclampsia Awareness Month in Virginia.

Law Advice: FYI - No Direct Impact

HJ195 Celebrating the life of Betty Louise Jones Gilliam.

Chief Patron: Kilgore

Summary:

Celebrating the life of Betty Louise Jones Gilliam.

Law Advice: FYI - No Direct Impact

HJ216 X & Y Chromosomal Variation Awareness Month; designating as May 2012, and each succeeding year.

Chief Patron: Rust

Summary:

Designates May, in 2012 and in each succeeding year, as X & Y Chromosomal Variation Awareness Month in Virginia.

Law Advice: FYI - No Direct Impact

HJ287 Celebrating the life of Dr. Raymond C. Bice, Jr.

Chief Patron: Toscano

Summary:

Celebrating the life of Dr. Raymond C. Bice, Jr.

Law Advice: FYI - No Direct Impact

HJ389 Commending the School of Engineering and Applied Science at the University of Virginia.

Chief Patron: Toscano

Summary:

Commending the School of Engineering and Applied Science at the University of Virginia.

Law Advice: FYI - No Direct Impact

HJ407 Celebrating the life of David J. Prior.

Chief Patron: Kilgore

Summary:

Celebrating the life of David J. Prior.

Law Advice: FYI - No Direct Impact

HJ471 Commending the Virginia Health Care Foundation on its 20 years of service to the Commonwealth.

Chief Patron: Howell, W.J.

Summary:

Commending the Virginia Health Care Foundation on its 20 years of service to the Commonwealth as a public-private partnership and its excellent record of productivity and innovation in substantially leveraging state dollars to increase access to primary health care for uninsured and medically underserved Virginians.

Law Advice: FYI - No Direct Impact

HR8 Commending the 2012 inductees into the Virginia Sports Hall of Fame.

Companion Bill: SJ82

Chief Patron: Joannou

Summary:

Commending the 2012 inductees into the Virginia Sports Hall of Fame.

Law Advice: FYI - No Direct Impact

SB34 Rental payments; landlord accounting of tenant credits and debits upon written request.

Chief Patron: Locke

Summary:

Compels a landlord, upon the written request of a tenant, to produce a written accounting of charges and payments from the tenant over the tenancy or the past 12 months, whichever is shorter. This bill is recommended by the Virginia Housing Commission.

Law Advice: FYI - No Direct Impact

SB37 Retail Sales and Use Tax; extends sunset provision for certain educational materials.

Companion Bill: HB299

Chief Patron: Reeves

Summary:

Extends the sunset date from July 1, 2012, to July 1, 2017, on the sales and use tax exemption for textbooks and other educational materials withdrawn from inventory at book-publishing distribution facilities for free distribution to

professors and other individuals who have an educational focus. This bill is identical to HB 299.

Law Advice: FYI - No Direct Impact

SB47 Certificates of insurance; unfair insurance trade practices.

Companion Bill: HB867

Chief Patron: Watkins

Summary:

Prohibits any person from (i) issuing or delivering a certificate of insurance that attempts to confer any rights upon a third party beyond what the referenced policy of insurance expressly provides; (ii) knowingly demanding or requiring the issuance of a certificate of insurance from an insurer, insurance producer, or policyholder that contains any false or misleading information concerning the policy; (iii) knowingly preparing or issuing a certificate of insurance that contains any false or misleading information or that purports to affirmatively or negatively alter, amend, or extend the coverage provided by the policy; and (iv) issuing or delivering a certificate of insurance that does not contain a statement regarding such matters. However, such a statement is not required if a certificate of insurance is required by a state or federal agency and accurately reflects the coverage provided by the underlying policies. A certificate of insurance may not represent an insurer's obligation to give notice of cancellation or nonrenewal to a third party unless the giving of the notice is required by the policy. The State Corporation Commission is authorized to determine if a person is engaged in such practice prohibited as an unfair trade practice. This bill is identical to HB 867.

Law Advice: FYI - No Direct Impact

SB50 Corporations and limited liability companies; conversions, dissolution, and procedures.

Chief Patron: Watkins

Summary:

Establishes a procedure by which a nonstock corporation may convert to a limited liability company. Other provisions of the bill update provisions of the Virginia Stock Corporation Act, Virginia Nonstock Corporation Act, and Virginia Limited Liability Company Act to (i) remove duplicative provisions addressing remote participation in meetings, (ii) prescribe requirements when the less-than-unanimous consent of shareholders is required, (iii) specify that original share transfer books are prima facie evidence of who is entitled to examine the shareholders list, (iv) specify that the articles or bylaws may prescribe qualifications to be a director, (v) clarify that only the new amendments set out in a restatement of articles of incorporation require shareholder approval, (vi) permit public corporations to satisfy requirements for providing financial statements to shareholders entitled to appraisal rights in any manner permitted by the U.S. Securities and Exchange Commission, (vii) remove the ability of a corporation to adopt a proposal to dissolve after a court has entered a purchase order, and (viii) authorize members to rescind the dissolution of a limited liability company. The definitions of "state" in the Virginia Stock Corporation Act and Virginia Nonstock Corporation Act are conformed to the definition of the term in the Virginia Limited Liability Company Act. The measure also includes technical amendments.

Law Advice: FYI - No Direct Impact

SB89 Garnishment; corrects form listing exemptions.

Companion Bill: HB362

Chief Patron: Howell

Summary:

Corrects the form listing garnishment exemptions by replacing the reference to "rent or services of a laborer or mechanic" with "spousal or child support" to reflect amendments made in 1990 (Acts, Ch. 942) that were never incorporated into the form. This bill also contains technical amendments. This bill is a recommendation of the Committee on District Courts. This bill is identical to HB 362.

Law Advice: FYI - No Direct Impact

SB105 Roanoke Higher Education Authority; removes president of Jefferson College of Health Sciences.

Chief Patron: Edwards

Summary:

Removes the president of the Jefferson College of Health Sciences from the Board of Trustees governing the Roanoke Higher Education Authority.

Law Advice: FYI - No Direct Impact

SB106 Physician assistants; use of fluoroscopy.

Chief Patron: Edwards

Summary:

Allows a licensed physician assistant who (i) is working under the supervision of a licensed doctor of medicine or osteopathy specializing in the field of radiology, (ii) has been trained in the proper use of equipment for the purpose of performing radiologic technology procedures, and (iii) has successfully completed the exam administered by the American Registry of Radiologic Technologists for physician assistants to use fluoroscopy for guidance of diagnostic and therapeutic procedures. The bill requires the Board of Medicine to promulgate emergency regulations to implement the provisions of this bill.

Law Advice: New Authority

SB135 Virginia All Payer Claims Database; created, report.

Companion Bill: HB343

Chief Patron: Puller

Summary:

Establishes the Virginia All-Payer Claims Database system, in order to facilitate data-driven, evidence-based improvements in access, quality, and cost of health care and to improve the public health through understanding of health care expenditure patterns and operation and performance of the health care system. Entities that choose to submit claims data to the database shall do so pursuant to data use and submission agreements executed with the nonprofit organization that contracts with the Commissioner of Health for public health data needs. The bill also directs the Commissioner to develop a work group to study continuing health information needs in the Commonwealth. This bill is identical to HB 343.

Law Advice: FYI - No Direct Impact

SB160 High Performance Buildings Act; created.

Companion Bill: HB1167

Chief Patron: Petersen

Summary:

Requires executive branch agencies and institutions entering the design phase for construction of a new building greater than 5,000 gross square feet in size, or renovating such a building where the cost of renovation exceeds 50 percent of the value of the building, to conform to Virginia Energy Conservation and Environmental Standards developed by the Department of General Services considering the U.S. Green Building Council (LEED) green building rating standard, the Green Building Initiative "Green Globes" building standard, and other appropriate requirements. Exemptions from the requirement may be granted by the Director of the Department of General Services upon a finding of special circumstances that make construction or renovation to the standards impracticable.

Law Advice: New Requirement

SB201 Hospital discharge procedures; community services boards to provide information on certain services.

Companion Bill: HB1075

Chief Patron: Marsden

Summary:

Requires hospitals to educate patients, and in certain circumstances their families, about follow-up care, treatment, and services upon discharge. The bill also requires community services boards to provide information to hospitals about alcohol and substance abuse services available to minors.

Law Advice: New Requirement

SB239 Child abuse and neglect; mandatory reporting, penalties.

Chief Patron: Stuart

Summary:

Adds individuals associated with or employed by any public organization responsible for the care, custody, or control of children and any person employed by a public or private institution of higher education, other than an attorney employed by a public or private institution of higher education who gains information indicating reason to suspect a child is abused or neglected in the course of providing legal representation to a client, to the list of individuals required to report suspected child abuse or neglect; reduces the time limit for reporting suspected child abuse or neglect by mandated reporters from 72 hours to 24 hours; increases the penalty for a second or subsequent failure to report from not less than \$100 nor more than \$1,000 to a fine of not less than \$1,000; provides that, in cases evidencing acts of rape, sodomy, or object sexual penetration, a person who knowingly and intentionally fails to make the required report shall be guilty of a Class 1 misdemeanor; and provides that no mandatory reporter shall be required to make a report if the person has actual knowledge that the same matter has already been reported to the local department or via the Department's toll-free child abuse and neglect hotline. This bill incorporates SB 265, SB 296, SB 303, and SB 622.

Law Advice: New Requirement

Similar to HB74, HB970, HB1237. Mandate not applicable to attorneys employed by public institutions of higher education.

SB242 Public procurement; state agency agreements with labor organizations.

Chief Patron: Obenshain

Summary:

Requires state agencies to ensure that neither the state agency nor any construction manager acting on behalf of the state agency shall, in its bid specifications, project agreements, or other controlling documents relating to the operation, erection, construction, alteration, improvement, maintenance, or repair of any public facility of public works, (i) require or prohibit bidders, offerors, contractors, or subcontractors to enter into or adhere to agreements with one or more labor organizations, on the same or related projects, or (ii) discriminate against bidders, offerors, contractors, subcontractors, or operators for becoming or refusing to become or remain signatories or otherwise to adhere to agreements with one or more labor organizations, on the same or other related public works projects.

Law Advice: FYI - No Direct Impact

Exempt under Restructuring.

SB246 Winter Sports Safety Act; limits liability of ski resorts and other winter sports area operators.

Chief Patron: Obenshain

Summary:

Limits the liability of ski resorts and other winter sports area operators when death, personal injury, or property damage is caused by an inherent risk of participating in a winter sport. Winter sports area operators are required to post warning signs notifying participants that they assume the risk of participating in a winter sport. The Act sets out the duties and responsibilities of both winter sports participants and operators. Participants are presumed to have known the inherent risks of a winter sport, to have fully appreciated the nature and extent of such risks, and to have voluntarily exposed themselves to such risks. The Act does not limit liability for acts or omissions that constitute negligence or gross negligence, or for situations in which the operator recklessly, knowingly, or intentionally commits an act or omission that causes death, personal injury, or damage to property; however, assumption of risk and contributory negligence by the participant are complete bars to recovery.

Law Advice: FYI - No Direct Impact

SB301 Sexual assault response teams; State attorney to invite chiefs of campus police to annual meeting.

Companion Bill: HB969

Chief Patron: Howell

Summary:

Requires each attorney for the Commonwealth to invite any chiefs of campus police of institutions of higher education located within the jurisdiction to the annual SART meeting. This bill is identical to HB 969.

Law Advice: FYI - No Direct Impact

SB302 Campus police; mutual aid agreements with local law-enforcement agencies and State Police.

Companion Bill: HB965

Chief Patron: Howell

Summary:

Requires campus police to enter into mutual aid agreements with an adjacent local law-enforcement agency or the State Police for cooperation in providing assistance with the investigation of deaths and alleged rapes occurring on college campuses. This bill is identical to HB 965.

Law Advice: New Requirement

SB321 Prescription Monitoring Program; disclosures.

Companion Bill: HB347

Chief Patron: Carrico

Summary:

Modifies the Prescription Monitoring Program to (i) require dispensers of covered substances to report the method of payment for the prescription, (ii) require the Director of the Department of Health Professions to report information relevant to an investigation of a prescription recipient, in addition to a prescriber or dispenser, to any federal law-enforcement agency with authority to conduct drug diversion investigations, (iii) allow the Director to disclose information indicating potential misuse of a prescription by a recipient to the State Police for the purpose of investigation into possible drug diversion, and (iv) allow prescribers to delegate authority to access the Program to an unlimited number, rather than the current limit of two, of regulated health care professionals under their direct supervision. This bill is identical to HB 347.

Law Advice: Change in Requirement

SB338 Virginia Investment Partnership Act; definitions.

Companion Bill: HB243

Chief Patron: Newman

Summary:

Decreases from five to three years the legal presence requirement to be considered an existing Virginia manufacturer under the Virginia Investment Partnership Act. The bill contains a technical amendment. This bill is identical to HB 243.

Law Advice: Change in Requirement

SB340 Occupational therapy; definition.

Companion Bill: HB268

Chief Patron: Newman

Summary:

Provides that the definition of "practice of occupational therapy" is amended to make clear that it includes the therapeutic use of occupations for habilitation and rehabilitation to enhance physical health, mental health, and cognitive functioning and that it includes the design of adaptive equipment and assistive technologies and consultation concerning the adaptation of sensory and social, as well as physical, environments. The bill requires the Board of

Medicine to promulgate regulations to implement the provisions of this act to be effective within 280 days of its enactment. This bill is identical to HB 268.

Law Advice: Change in Requirement

SB346 Higher educational institutions; crisis and emergency management plans.

Companion Bill: HB305

Chief Patron: McDougle

Summary:

Increases the Department of Emergency Management's oversight of institutional crisis and emergency management plans by requiring institutions to certify in writing to the Department that the required annual reviews and functional exercises have been conducted. This bill is identical to HB 305.

Law Advice: Change in Requirement

SB371 Judicial authorization of treatment; advance directives.

Companion Bill: HB638

Chief Patron: Barker

Summary:

Provides that a court may authorize medical treatment for an incapacitated person when there is no available person with legal authority to make such decisions under (i) the advance directive of the incapacitated person; (ii) the regulations promulgated by the State Board of Behavioral Health and Developmental Services; or (iii) other applicable law. The court may not authorize treatment that is contrary to the provisions of an advance directive or is proven by a preponderance of the evidence to be contrary to the incapacitated person's religious beliefs, basic values, or specific preferences as stated by the person before becoming incapable of making an informed decision, unless the treatment is necessary to prevent death or a serious irreversible condition. The bill also authorizes restraint or transportation of an incapacitated person if necessary for treating a mental disorder of a person subject to an order of involuntary admission. This bill is identical to HB 638.

Law Advice: FYI - No Direct Impact

SB374 Higher educational institutions; mental health and parental notification policies.

Companion Bill: HB900

Chief Patron: Barker

Summary:

Provides that any person licensed to diagnose and treat mental, emotional, or behavioral disorders who is treating a student may determine to withhold parental notification of a dependent student's mental health treatment if such person determines that the notification may result in substantial harm. Currently, only a physician or clinical psychologist can make such a determination. This bill is identical to HB 900.

Law Advice: Change in Authority

SB375 Higher educational institutions; may require any accepted student provide complete record.

Companion Bill: HB852

Chief Patron: Barker

Summary:

Clarifies that an institution of higher education may require that any accepted student provide a complete student record, including any mental health record, from not only his high school but also any other institution of higher education he has attended. This bill is identical to HB 852.

Law Advice: New Authority

SB387 Mental health and developmental services; replaces certain terminology, technical amendments.

Companion Bill: HB552

Chief Patron: Martin

Summary:

Replaces the terms "mental retardation" and "mental deficiency" with the term "intellectual disability" when referring to the diagnosis of, and with the term "developmental" when referring to services for, individuals with intellectual disabilities; replaces the terms "mentally retarded," "mentally deficient," and "mentally defective" with the term "individual with intellectual disability"; replaces the terms "consumer," "patient," and "resident" with the term "individual receiving services" when used in connection with mental health or developmental services; updates the Code to reflect proper terminology for state hospitals for individuals with mental illness and state training centers for individuals with intellectual disabilities; defines the terms "behavioral health services," "developmental services," "individual receiving services," "intellectual disability," and "mental health services"; and revises the definition of "training center." This bill contains technical amendments. This bill incorporates SB 191 and is identical to HB 552.

Law Advice: FYI - No Direct Impact

SB405 Virginia Economic Development Partnership Authority; increases membership of board of directors.

Companion Bill: HB292

Chief Patron: Hanger

Summary:

Adds the Secretary of Agriculture and Forestry and the Secretary of Technology as voting members of the board of directors of the Virginia Economic Development Partnership Authority. This bill is identical to HB 292.

Law Advice: FYI - No Direct Impact

SB415 Nurses; licensure exemption.

Companion Bill: HB885

Chief Patron: Blevins

Summary:

Exempts from licensure any nurse who holds a current unrestricted license in another state, the District of Columbia, or a United States possession or territory while such nurse is in the Commonwealth temporarily and is practicing

nursing in a summer camp or in conjunction with clients who are participating in specified recreational or educational activities. This bill is identical to HB 885.

Law Advice: FYI - No Direct Impact

SB417 Grievance procedure; eliminates certain steps.

Companion Bill: HB637

Chief Patron: Stanley

Summary:

Eliminates certain steps in the grievance procedure by mandating that grievances following terminations due to formal discipline or unsatisfactory job performance proceed directly to a hearing. The bill also (i) allows either party to petition the circuit court to order only the implementation of the final decision of the hearing officer and not any recommendations of the hearing officer, (ii) reduces from 60 to 30 days the administrative review of the hearing decision by the Director of the Department of Human Resource Management, and (iii) removes the ability of the employee filing the grievance to have judicial review of the decision of the Director of the Department of Employment Dispute Resolution on whether the grievance qualifies for a hearing. The bill contains a technical amendment. The bill is identical to HB 637.

Law Advice: Change in Requirement

SB448 Child abuse; increases reporting period by health care providers on substance exposed infants.

Companion Bill: HB507

Chief Patron: Vogel

Summary:

Increases the period of time from seven days to six weeks during which a health care provider, not exclusively the attending physician as in current law, may make a finding that an infant is a substance exposed infant in cases in which the determination is based on a drug test of the infant or on a diagnosis that the child has an illness, disease, or condition that may be attributed to in utero exposure to controlled substances. A diagnosis that the infant has fetal alcohol spectrum disorder may be made at any time following a child's birth. The bill also allows a petition to be filed alleging suspected child abuse or neglect based on a finding by a health care provider that an infant is a substance exposed infant at any time. This bill is identical to HB 507.

Law Advice: Change in Requirement

SB450 Chemotherapy; requirements for orally administered cancer drugs.

Companion Bill: HB1273

Chief Patron: Vogel

Summary:

Provides that each health insurer, health care subscription plan, and health maintenance organization whose policies, contracts, or plans include coverage for intravenously administered, injected, and orally administered anticancer drugs shall provide that the criteria for establishing cost sharing applicable to orally administered cancer chemotherapy drugs and cancer chemotherapy drugs that are administered intravenously or by injection shall be consistently applied

within the same plan. This requirement will apply to the state employees' health insurance plan and to the local choice health program. This bill is identical to HB 1273.

Law Advice: FYI - No Direct Impact

SB451 Virginia Fraud Against Taxpayers Act; regulation of medical assistance.

Chief Patron: Vogel

Summary:

Makes several changes to the Virginia Fraud Against Taxpayers Act (VFATA) and the laws governing the Attorney General's duties with regard to the regulation of medical assistance, including (i) exempting certain information furnished to the Attorney General from disclosure under the Virginia Freedom of Information Act, (ii) imposing a three-year statute of limitations on claims for employer retaliation under the VFATA, (iii) permitting the Attorney General to share information obtained as part of a VFATA investigation with other state and federal governmental entities, (iv) allowing the Attorney General to propound interrogatories as part of an investigation of services furnished under medical assistance, and (v) requiring health care entities to disclose records to the Attorney General in connection with such investigations.

Law Advice: FYI - No Direct Impact

SB458 Suicidal students; higher educational institutions shall develop policies addressing.

Companion Bill: HB853

Chief Patron: Barker

Summary:

Removes repetitive language permitting universities to establish policies regarding students who are a danger to themselves or others; this section and another on violence prevention already permit such policies. This bill is identical to HB 853.

Law Advice: Change in Requirement

SB475 College partnership laboratory schools; allowed to operate jointly with local school boards.

Companion Bill: HB765

Chief Patron: Locke

Summary:

Allows a private institution of higher education that operates a teacher education program approved by the Board of Education to operate a college partnership laboratory school. Currently, only a public institution of higher education that operates a Board-approved teacher education program may do so. Tuition may be charged for courses for which the student receives college credit or for enrichment courses that are not required to achieve a Board-approved high school diploma. This bill is identical to HB 765.

Law Advice: FYI - No Direct Impact

SB487 Certificate of public need program; annual report.

Chief Patron: Newman

Summary:

Eliminates the requirement that the Commissioner of Health report annually to the Governor and the General Assembly on the status of Virginia's certificate of public need program.

Law Advice: FYI - No Direct Impact

SB492 Renewable energy; expands definition.

Companion Bill: HB232

Chief Patron: Watkins

Summary:

Expands the definition of renewable energy to include landfill gas. The measure also provides that the RPS Goals under the renewable energy portfolio standard program may be composed of renewable thermal energy equivalents. A renewable thermal energy equivalent is the thermal energy output from a renewable-fueled combined heat and power generation facility that is (i) constructed, or renovated and improved, after January 1, 2012, (ii) located in the Commonwealth, and (iii) utilized in industrial processes other than the combined heat and power generation facility, where thermal energy is expressed as an equivalent number of megawatt hours. This bill is identical to HB 232.

Law Advice: FYI - No Direct Impact

SB493 Electric and natural gas utilities; energy efficiency programs.

Chief Patron: Watkins

Summary:

Provides that an energy efficiency program proposed by an electric utility is in the public interest if among other factors, the net present value of the benefits exceeds the net present value of the costs as determined by the Commission upon consideration of the following four tests: (i) the Total Resource Cost Test; (ii) the Utility Cost Test (also referred to as the Program Administrator Test); (iii) the Participant Test; and (iv) the Ratepayer Impact Measure Test. The Commission's determination shall include an analysis of all four tests, and a program or portfolio of programs shall not be rejected based solely on the results of a single test. An electric utility's energy efficiency program may be deemed to be in the public interest if it provides measurable and verifiable energy savings to low-income customers or elderly customers. The current standard for what constitutes a cost-effective conservation and energy efficiency program conducted by a natural gas utility is revised to conform to these new provisions for electric utilities. Finally, the measure expands the definition of "energy efficiency program" with regard to electric utilities to include customer engagement programs that result in measurable and verifiable energy savings that lead to efficient use patterns and practices. The bill contains an emergency clause and shall not apply to any case or proceeding filed with the Commission prior to March 10, 2012.

Law Advice: FYI - No Direct Impact

Effective April 18, 2012.

SB498 Retirement System; hybrid retirement program created, optional defined retirement plan created, etc.

Companion Bill: HB1130

Chief Patron: Watkins

Summary:

Creates a new hybrid retirement program, administered by the Virginia Retirement System, that contains a defined contribution and a defined benefit component. All new state employees, local employees, and judges commencing employment on or after January 1, 2014, would be required to participate in the hybrid plan. Employees in service on December 31, 2013, would be given the opportunity to make a one-time, irrevocable election to participate in the new hybrid program. The bill also creates a disability program for local employees participating in the hybrid plan. The bill also makes adjustments to the existing defined benefit plan for nonvested employees, including lowering the retirement benefit multiplier from 1.7 to 1.65, basing average final compensation on 60 months of service instead of 36, and capping the cost-of-living adjustment at three percent. Any person with less than 20 years service who takes early retirement would not receive a cost-of-living adjustment until one year after he reaches normal retirement age. This bill is identical to HB 1130.

Law Advice: New Requirement

SB504 Air quality, water quality or solid waste permits; facilities upgrading and requiring new permit.

Chief Patron: Wagner

Summary:

Allows operators of facilities that hold air quality, solid waste, or water quality permits to install new technology, equipment, or other apparatus at the permitted facility without having to obtain a new, modified, or amended permit so long as they can demonstrate that the new technology will result in increased energy efficiency and improved environmental conditions.

Law Advice: FYI - No Direct Impact

SB507 Real Estate Appraiser Board; shall develop continuing education curriculum for licensees, report.

Companion Bill: HB433

Chief Patron: Wagner

Summary:

Requires the Real Estate Appraiser Board to evaluate the development of a continuing education curriculum for licensees that includes the effects of the use of energy efficiency and renewable energy equipment on the determination of the fair market value in the appraisal of non-income-producing residential real estate. Under the bill, the Board is required to report its findings to the Chairmen of the House Committee on General Laws and the Senate Committee on General Laws and Technology and the Housing Commission by November 1, 2012. This bill is identical to HB 433.

Law Advice: FYI - No Direct Impact

SB517 Nursing education programs; requires Board of Nursing to implement certain due process requirements.

Chief Patron: Wagner

Summary:

Requires the Board of Nursing to comply with certain due process procedures in cases in which the Board places a nursing education program on conditional approval with terms and conditions that include a restriction on enrollment in the program following an informal fact-finding proceeding.

Law Advice: New Requirement

SB523 Minority Business Enterprise, Department of; certification of employment services organizations.

Chief Patron: Hanger

Summary:

Provides for the Department of Minority Business Enterprise to certify employment service organizations. Under the bill, "employment services organization" is defined as an organization that provides community-based employment services to individuals with disabilities that is an approved Commission on Accreditation of Rehabilitation Facilities (CARF) accredited vendor of the Department of Rehabilitative Services.

Law Advice: FYI - No Direct Impact

SB527 Virginia Personnel Act; hiring preference in state employment for members of National Guard.

Companion Bill: HB384

Chief Patron: Garrett

Summary:

Establishes a preference in state hiring for members of the Virginia National Guard. Under the bill, when a member of the Virginia National Guard applies for a position or job classification requiring an assessment using numerical ratings, points equal to five percent of the total points available from the assessment device or devices shall be added to the member's passing score. The preference shall not be applied if recruitment for the position is limited to state employees or over an applicant who is (i) a veteran or (ii) a former prisoner of war. The bill requires the Department of Human Resource Management to develop guidelines to provide guidance to executive branch agencies on the provisions of the bill.

Law Advice: New Requirement

SB530 Colleges, etc., projects, certain; required to hold at least one public hearing before undertaking.

Chief Patron: Marsden

Summary:

Requires the institution of higher education to hold at least one public hearing before VDOT undertakes any safety-related or congestion management-related highway project requested by any college, university, or institution of higher education in the Commonwealth.

Law Advice: New Requirement

SB539 Forward energy pricing; authorizes any public body to use mechanisms for budget risk reduction.

Companion Bill: HB211

Chief Patron: Puller

Summary:

Authorizes, subject to available appropriation, any public body to use forward pricing mechanisms for budget risk reduction. Forward pricing mechanisms are contracts or financial instruments that obligate the public body to buy or sell a specified quantity of energy at a future date at a set price or provide the option to buy or sell the contract or financial instrument. Forward pricing mechanism transactions may be made only if (i) the quantity of energy affected by the mechanism does not exceed the estimated energy use for the public body for the same period, (ii) the period of the mechanism does not exceed 48 months, (iii) a separate account is established for operational energy for the public body, (iv) the public body develops written policies and procedures, and (v) the public body establishes an oversight process. This bill is identical to HB 211.

Law Advice: New Authority

SB543 Surgery; definition and who may perform.

Companion Bill: HB266

Chief Patron: Martin

Summary:

Defines "surgery" and provides that no person shall perform surgery unless he is (i) licensed by the Board of Medicine as a doctor of medicine, osteopathy, or podiatry; (ii) licensed by the Board of Dentistry as a doctor of dentistry; (iii) jointly licensed by the Boards of Medicine and Nursing as a nurse practitioner; (iv) a physician assistant acting under the supervision of a doctor of medicine, osteopathy, or podiatry; (v) a midwife performing episiotomies during childbirth; or (vi) acting pursuant to the orders and under the appropriate supervision of a licensed doctor of medicine, osteopathy, podiatry, or dentistry. This bill is identical to HB 266.

Law Advice: New Requirement

SB544 Mammograms; information on breast density.

Companion Bill: HB83

Chief Patron: Edwards

Summary:

Requires the Board of Health to establish guidelines requiring licensed facilities or physicians' offices where mammography services are provided to (i) include information on breast density in mammogram letters sent to patients and (ii) in mammogram letters sent to patients who have dense breast tissue, include a notice containing information about the potential effects of dense breast tissue on mammograms and explaining that patients may wish to contact their physicians for additional information. This bill is identical to HB 83.

Law Advice: New Requirement

SB561 Garnishment, previous; allows costs incurred by judgment creditor are chargeable to judgment debtor.

Companion Bill: HB286

Chief Patron: Obenshain

Summary:

Allows costs incurred by a judgment creditor in connection with a prior garnishment to be collected in a subsequent garnishment attempt that is based on the same judgment. This bill is identical to HB 286.

Law Advice: FYI - No Direct Impact

SB568 Family Access to Medical Insurance Security Plan; coverage for certain children and pregnant women.

Companion Bill: HB183

Chief Patron: Ebbin

Summary:

Provides that the Board of Medical Assistance Services shall include a provision in the state plan for medical assistance services for medical assistance for otherwise eligible pregnant women during the first five years of lawful residence in the United States. The bill also requires the Department of Medical Assistance Services to provide coverage under the Family Access to Medical Insurance Security (FAMIS) Plan for otherwise eligible children and pregnant women during the first five years of lawful residence in the United States. This bill is identical to HB 183.

Law Advice: FYI - No Direct Impact

SB577 VWC; majority of members constitutes a quorum for purposes of exercising functions of Commission.

Chief Patron: Wagner

Summary:

Provides that a majority of the members of the Workers' Compensation Commission constitutes a quorum for purposes of exercising the judicial, legislative, and discretionary functions of the Commission, regardless of whether there is a vacancy on the Commission. The measure also provides that a quorum is not necessary for the exercise of the Commission's administrative functions. The existing requirement that the chairman of the Commission appoint a deputy commissioner to participate in a review when all Commissioners are unable to hear the review is revised to make such appointment optional.

Law Advice: FYI - No Direct Impact

SB599 Virginia College Savings Plan; JLARC to oversee and evaluate, report.

Companion Bill: HB739

Chief Patron: Hanger

Summary:

Directs the Joint Legislative Audit and Review Commission (JLARC) to oversee and evaluate the Virginia College Savings Plan on a continuing basis. The bill requires JLARC and the Virginia College Savings Plan to make certain

reports to the General Assembly. This bill is identical to HB 739.

Law Advice: FYI - No Direct Impact

SB625 Garnishment; venue, garnishment without judgement debtor's social security number.

Companion Bill: HB1147

Chief Patron: Petersen

Summary:

Provides that a judgment creditor may institute garnishment proceedings in the jurisdiction where the judgment debtor resides even though the underlying judgment was entered by another court. The judgment creditor must file with the court where the judgment debtor resides an abstract of the judgment rendered, pay all applicable court fees to the court, and file any release or satisfaction of judgment in both courts. The bill also clarifies that judgment creditors who have made a good faith effort to secure the judgment debtor's social security number and are unable to do so may nevertheless have a garnishment summons issued. This bill is identical to HB 1147.

Law Advice: New Authority

SB646 Life insurance benefits; providing additional benefits incidental to a loss in event of death, etc.

Chief Patron: McEachin

Summary:

Provides that the benefits provided under a policy of life insurance or accident and sickness insurance may include additional benefits incidental to a loss in the event of death, dismemberment, or loss by accident or accidental means.

Law Advice: FYI - No Direct Impact

SJ3 Constitutional amendment; taking or damaging of private property for public use (second reference).

Companion Bill: HJ3

Chief Patron: Obenshain

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. The Resolution incorporates SJ 67 and SJ 117.

Law Advice: FYI - No Direct Impact

SJ15 Electronic identity credentials; JCOTS to study and determine possible liability concerns therewith.

Chief Patron: Watkins

Summary:

Directs the Joint Commission on Technology and Science to study electronic identity credentials and any possible liability concerns therewith. In conducting its study, the Joint Commission on Technology and Science shall (i) coordinate with stakeholders in both the public and private realm to identify opportunities, challenges, and strategies for the issuance of electronic security credentials; (ii) identify potential uses of electronic security credentials in transactions involving the Commonwealth; (iii) identify the role the Commonwealth should play in the issuance of identification documentation used by private electronic security credentialing services; (iv) identify policies and craft legislation that would facilitate the use and issuance of electronic security credentials; (v) identify and address through policies and legislation any liability considerations that may arise through the issuance of electronic security credentials by private entities; and (vi) consider such other related issues as the joint commission deems appropriate. JCOTS must report its final findings and recommendations to the 2013 Session of the General Assembly.

Law Advice: Monitor and Track

SJ16 Unemployment Compensation Act; Commission on Unemployment Compensation to study federal Act.

Chief Patron: Watkins

Summary:

Directs the Commission on Unemployment Compensation to study conforming provisions of the Virginia Unemployment Compensation Act to requirements of the Trade Adjustment Assistance Extension Act of 2011.

Law Advice: Monitor and Track

SJ58 Shaken Baby Syndrome Awareness Week.

Companion Bill: HJ128

Chief Patron: Locke

Summary:

Designates the third week in April, in 2013 and in each succeeding year, as Shaken Baby Syndrome Awareness Week in Virginia.

Law Advice: FYI - No Direct Impact

SJ66 Governor's Executive Reorganization Plan; approval by each house of General Assembly.

Companion Bill: HJ49

Chief Patron: McDougale

Summary:

Sets out the Governor's executive reorganization plan dated November 25, 2011, for approval by each house of the General Assembly. The resolution sets out the pertinent details of the plan.

Law Advice: FYI - No Direct Impact

SJ82 Commending the 2012 inductees into the Virginia Sports Hall of Fame.

Companion Bill: HR8

Chief Patron: Lucas

Summary:

Commending the 2012 inductees into the Virginia Sports Hall of Fame.

Law Advice: FYI - No Direct Impact

SJ92 Medicaid; JLARC to study payment policies for hospitals, nursing home, etc., on access to services.

Chief Patron: Stosch

Summary:

Directs the Joint Legislative Audit and Review Commission to study the effect of Medicaid payment policies for hospitals, nursing homes, and physicians on Virginia Medicaid recipients' access to health care services.

Law Advice: Monitor and Track

SJ99 Governor; confirming appointments.

Chief Patron: Obenshain

Summary:

Confirms appointments to various positions made by Governor McDonnell and communicated to the General Assembly August 1, 2011.

Law Advice: FYI - No Direct Impact

SJ129 Breast Cancer Awareness Day; designating as February 14, 2012, and each succeeding year thereafter.

Chief Patron: Obenshain

Summary:

Designating February 14, 2012, as Breast Cancer Awareness Day.

Law Advice: FYI - No Direct Impact