

2012 GENERAL ASSEMBLY SESSION
SUMMARY OF KEY LEGISLATION AFFECTING U.VA.

ACADEMIC & RESEARCH

[HB195](#) (*Lewis*) - *Higher education; course credit for military experience*. 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.

[HB441](#) (*Tata*) - *Uniform Certificate of General Studies*. 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.

[HB639](#) (*Stolle*) - *Higher education; publication of graduate employment rates*. 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.

[HB764](#) (*Peace*) - *Division of Risk Management; risk management plans for public liability; indemnification agreements by public institutions of higher education*. 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.

[HB1182](#) (*Kirk Cox*) - *Tobacco Indemnification and Community Revitalization Fund; uses*. 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.

ADMINISTRATION

[HB548](#) (*Comstock*) - *Higher education; active duty military*. 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.

[HB629](#) (*Massie*) - *University of Virginia; board of visitors*. 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.

[HB1167](#) (*Jones*)/[SB160](#) (*Petersen*) - *High Performance Buildings Act*. 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.

[SB530](#) (*Marsden*) - *Public hearings prior to certain VDOT projects*. 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.

[HJ108](#) (*Landes*) - *Study; JLARC to study cost efficiency in higher education; report.* 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.

COMMENDATIONS/COMMEMORATIONS

[HJ287](#) (*Toscano, Deeds*) - *Celebrating the life of Dr. Raymond C. Bice, Jr.*

[HJ389](#) (*Toscano, Rob Bell, Landes, Deeds*) - *Commending the School of Engineering and Applied Science at the University of Virginia.*

[HJ407](#) (*Kilgore*) - *Celebrating the life of David J. Prior.*

[HJ5028](#) (*Toscano, Deeds*) – *Commending Horace Julian Bond.*

[HR8](#) (*Joannou*)/[SJ82](#) (*Lucas*) - *Commending the 2012 inductees into the Virginia Sports Hall of Fame.*

EMPLOYEE-RELATED

[HB253](#) (*Stolle*) - *Virginia Personnel Act; hiring preference for veterans; surviving spouses and children.* 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.

[HB384](#) (*Cole*)/[SB527](#) (*Garrett*) - *Virginia Personnel Act; hiring preference in state employment for members of the Virginia National Guard.*

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.

[HB637](#) (*Iaquinto*)/[SB417](#) (*Stanley*) - *State Grievance Procedure.* 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.

[HB1130](#) (*Bill Howell*)/[SB498](#) (*Watkins*) - *Virginia Retirement System; hybrid defined contribution and defined benefit retirement program.* 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 of service who takes early retirement would not receive a cost-of-living adjustment until one year after he reaches normal retirement age.

HEALTH-RELATED

[HB266](#) (Peace)/[SB543](#) (Martin) - *Definition of surgery*. 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.

[HB638](#) (Stolle)/[SB371](#) (Barker) - *Judicial authorization of treatment; advance directives*. 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.

[HB733](#) (Jones) - *Pharmacists; compounding authority*. 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.

[SJ92](#) (Stosch) - *Study; Joint Legislative Audit and Review Commission to study the effect of Medicaid payment policies for hospitals, nursing homes, and physicians on access to health care services for Virginians; report*. 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.

SAFETY & SECURITY

[HB74](#) (Dickie Bell)/[HB970](#) (Rob Bell)/[HB1237](#) (Ed Scott)/[SB239](#) (Stuart) - *Suspected child abuse and neglect; mandatory reporting; penalties*. 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.

[HB852](#) (Yost)/[SB375](#) (Barker) - *Student records; mental health*. 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.

[HB853](#) (Yost)/[SB458](#) (Barker) - *Policies addressing suicidal students*. 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.

[HB900](#) (*Brink*)/[SB374](#) (*Barker*) - *Higher education; mental health and parental notification policies.* 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.

[HB965](#) (*Rob Bell*)/[SB302](#) (*Howell*) - *Campus police; MAAs with local law-enforcement agencies.* 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.

2012-14 BIENNIAL BUDGET

[HB1301](#) (*Putney*) - *Budget Bill.* 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.

General Higher Education Items

- *Item 105 - Biosciences Research Consortium.* Provides \$2.5 million in each year for a biosciences research consortium comprised of UVa, VCU, Virginia Tech, GMU, and the EVMS.
- *Item 145 - Eminent Scholars Program.* Eliminates \$1.7 million in each year for the Eminent Scholars Program. For U.Va., this represents a decrease of approximately \$750,000 in each year.
- *Item 254 -* Provides \$6.1 million in FY2013 from the Higher Education Equipment Trust Fund for research. U.Va. will receive \$2.3 million in FY2013.

- *Item 468M - Employee Bonus.* Provides that all employees, employed on April 1, 2012, shall receive a 3% bonus on November 24, 2012, contingent on FY2012 GF resources exceeding official revenue estimates by at least \$77.2M. If surplus revenues are less than \$77.2M, employee bonus will be prorated.
- *Item 468P - Salary Increase.* Provides that all employees shall receive a 2% increase effective July 10, 2013.

U.Va.-Specific Items

- *Item 195 M - Base Operating Costs.* Provides \$1.69 million in each year for base operating support.
- *Item 195M - Enrollment Growth.* Provides \$691,207 in each year to support the enrollment of additional in-state undergraduate students to increase access for in-state students.
- *Item 195N - Higher Education Opportunity Act.* Provides \$800,324 in each year to achieve the goals of the 2012-18 Six-Year Plan.
- *Item 195N - Higher Education Opportunity Act.* Requires U.Va. to reallocate \$1.68 million in FY2013 and \$2.24 million in FY2014 to support the goals of the 2012-18 Six-Year Plan or address strategies to advance the HEOA.
- *Item 197B - Cancer Research.* Provides \$1.5 million in in each year for cancer research funding.
- *Item 197C - Focused Ultrasound.* Provides \$750,000 in each year for core programs and research activities associated with the Focused Ultrasound Surgery Foundation.
- *Item C-39.05C - Rotunda funding.* Provides \$2.25 million in nongeneral funds for planning renovations to the Rotunda.

This is not a comprehensive list of budget items applicable to UVa, and represents a small percentage of UVa's total state appropriation. For more detailed information on the 2012-14 biennial budget, access the State Budget Web site at <http://leg2.state.va.us/MoneyWeb.NSF/sb2012a>.

The bills and resolutions included in this summary represent a small sample of legislation enacted by the 2012 General Assembly and applicable to the University. For a complete listing, access the 2012 Law Report on the State Governmental Relations website at <http://www.virginia.edu/governmentalrelations/reports.html>.

Visit the Legislative Information System at <http://lis.virginia.gov/> for additional information about the 2012 General Assembly Session and to read the full text of legislation.