



UNIVERSITY of VIRGINIA

OFFICE OF STATE GOVERNMENTAL RELATIONS

2013 GENERAL ASSEMBLY SESSION

SUMMARY OF KEY LEGISLATION AFFECTING U.VA.

ACADEMIC & RESEARCH

[HB1790](#) (Garrett)/[SB1138](#) (McWaters) - *Virginia Nuclear Energy Consortium*. Establishes the Virginia Nuclear Energy Consortium Authority as a political subdivision of the Commonwealth for the purposes of making the Commonwealth a national and global leader in nuclear energy and serving as an interdisciplinary study, research, and information resource for the Commonwealth on nuclear energy issues. The 17-member board of directors of the Authority is directed to form a nonstock, nonprofit corporation, referred to as the Virginia Nuclear Energy Consortium. Membership in the Consortium is open to specified educational institutions, Virginia-based federal research laboratories, nuclear-related nonprofit organizations, business entities with operating facilities in Virginia that are engaged in activities directly related to the nuclear energy industry, and other persons whose membership is approved by the Consortium's board of directors. The purposes of the Consortium include carrying out the rights, powers, and duties of the Authority and conducting other activities useful in (i) making the Commonwealth a leader in nuclear energy, (ii) serving as an interdisciplinary study, research, and information resource for the Commonwealth on nuclear energy issues, and (iii) raising money on behalf of the Authority in the corporate and nonprofit community and from other nonstate sources. The Consortium is required to report to the Authority on its non-proprietary activities semiannually, and audits of its financial accounts shall be made available in accordance with the provisions of the Freedom of Information Act.

ADMINISTRATION

[HB1845](#) (Loupassi)/[SB1178](#) (Ruff) - *Fraud and Abuse Whistle Blower Reward Fund; amount of reward; duties of the State Inspector General*. Reduces the minimum recovery required for an award from the Fraud and Abuse Whistle Blower Reward Fund from \$10,000 to \$5,000 and expands the purposes for which the Fund may be used to

include supporting the administration of the Fund, defraying Fund advertising costs, and subsidizing the operation of the Fraud, Waste and Abuse Hotline, all expenditures for which are capped at five percent of the Fund. Under the bill, all moneys recovered by the Office of the State Inspector General as a result of whistle blower activity and alerts originating in the Office shall be deposited into the Fund. The bill also provides that by the end of each quarter 85 percent of all sums recovered be remitted to the institutions or agencies on whose behalf the recovered sums were secured, unless otherwise directed by a court of law. In addition, the bill (i) authorizes the State Inspector General to split a reward among multiple whistle blowers reporting the same qualifying incident of wrongdoing or abuse, (ii) requires the State Inspector General to submit an annual report to the General Assembly summarizing the activities of the Fund, and (iii) changes the name of the State Employee Fraud, Waste and Abuse Hotline to the Fraud, Waste and Abuse Hotline.

[HB1952](#) (Landes) - *Boards of visitors of public institutions of higher education; public access to information and governance*. Adds specific topics to be covered during the educational programs for governing boards and requires such programs to be delivered by the State Council of Higher Education annually. The bill also requires each board of visitors to adopt bylaws with certain provisions relating to the Freedom of Information Act; annually meet with the president of the institution to deliver a review of the president's performance; designate its executive committee to organize the working processes of the board and recommend best practices for board governance; and annually deliver an executive summary of its interim activities to the General Assembly and the Governor.

[HB2114](#) (Landes)/[SB1176](#) (Ruff) - *State Inspector General; powers and duties*. Grants additional powers to the State Inspector General relating to audit functions of state and nonstate agencies and

provides that the State Inspector General and no more than 30 members of the investigative unit shall be law-enforcement officers. The bill requires the State Inspector General to enter into a memorandum of understanding with the Department of State Police relative to their respective roles and responsibilities. The bill reorganizes the State Inspector General's powers and duties and generally reorganizes the law relating to the Office of the State Inspector General.

[HB2311](#) (Cox) - *State Council of Higher Education for Virginia*. Changes the State Council of Higher Education by (i) expanding its purpose, (ii) altering its membership and setting forth the qualifications of appointees, (iii) requiring the presidents of the public institutions of higher education in the Commonwealth to present information and comment on issues of common interest at each meeting of the Council, and (iv) permitting the Council to involve other groups in its meeting agendas.

[HJ635](#) (Gilbert) - *Study; JLARC to study amount of federal revenue Virginia receives at the state and local level annually; importance and impact; report*. Directs the Joint Legislative Audit and Review Commission to study the amount of federal revenue that Virginia receives at the state and local level annually, by functional area, and determine its importance and impact. The Commission shall submit its report to the Governor and the 2015 Session of the General Assembly.

[SB1263](#) (Stuart) - *Virginia Freedom of Information Act; meeting by electronic communication means by certain committees, subcommittees, etc., of state public bodies; personal matters*. Authorizes a committee, subcommittee, or other entity, however designated, of a state public body created to advise the state public body, to meet by electronic communication means without a quorum of the advisory public body being physically assembled at one location, provided, among other requirements, the meeting is conducted utilizing a combined audio and visual communication method. The bill also enhances the annual reporting requirements for any public body authorized to conduct electronic communication meetings and requires the FOIA Council to develop a form that an authorized public body must make available to the public at any such meeting for public comment. The above-described provisions of the bill by its terms will expire on

July 1, 2014. Finally, the bill allows a member of any public body to participate in a meeting by electronic communication means due to personal matters under certain circumstances. Currently, such remote participation is allowed only for emergency, medical condition, or distance from the meeting location of more than 60 miles.

COMMENDATIONS/COMMEMORATIONS

[HJ543](#) (Merricks) - *Commending Randal E. Arno*.

[HJ714](#) (Toscano)/[SJ376](#) (Reeves) - *Celebrating the life of William Henry Wood*.

[HJ968](#) (Rush) - *Commending the Atlantic Coast Conference*.

HEALTH-RELATED

[HB1778](#) (Filler-Corn) - *Mammography results; information about dense breast tissue*. Clarifies the conditions under which a mammography services provider must notify a patient of dense breast tissue. The bill provides that such notice must be sent to patients who are determined by the interpreting physician to have heterogeneously dense or extremely dense tissue, as defined in nationally recognized guidelines or systems for breast imaging reporting of mammography screening, including the Breast Imaging Reporting and Data System and any equivalent new terms, and modifies the existing language of the notice.

[HB1933](#) (Comstock) - *Lyme disease; disclosure of information to patients*. Requires physicians to provide to each patient for whom a test for the presence of Lyme disease is ordered a written notice about Lyme disease, about testing for Lyme disease, and about the need for the patient to contact his physician with questions or concerns about Lyme disease. The bill also provides that licensees are immune from civil liability for providing such notice absent gross negligence or willful misconduct. The bill has an expiration date of July 1, 2018.

[HJ687](#) (O'Bannon) - *Study; health care costs; report*. Directs the Joint Commission on Health Care to study the factors affecting health care costs. The Commission shall (i) study and report on promising policies, practices, and initiatives expected to help control health care costs while maintaining quality of care; (ii) identify factors

considered to be the primary contributors to the increase of health care costs; (iii) review approaches undertaken in other states and countries to control health care costs; and (iv) examine the likely impact of federal Patient Protection and Affordable Care Act provisions on the cost of health care.

[HJ689](#) (Purkey) - *Study; severe shortage of medical doctors; report. Directs the Joint Commission on Health Care to study the current and impending severe shortage of medical doctors in Virginia.* In conducting its study, the Commission shall (i) determine whether a shortage of medical doctors exists in the Commonwealth, by specialty and by geographical region; (ii) project the future need for medical doctors in Virginia over the next 10 years by field of specialty; and (iii) identify and assess factors that contribute to the shortage of medical doctors, including medical school admissions, the costs of medical education, and the effect of excessive malpractice insurance premiums, malpractice laws and caps, the shortage of nurses, and ancillary regulations such as the Certificate of Public Need; and (iv) identify the medical specialty fields primarily affected by the shortage of doctors and recommend ways to alleviate such shortages. The Commission must submit its preliminary findings and recommendations to the 2014 Session of the General Assembly and its final findings and recommendations to the 2015 Session.

[SB942](#) (Reeves) - *Certificate of public need; amendment of charity care provisions upon expansion of the state program of medical assistance.* Provides that the Commissioner of Health may accept and approve requests for amendments to certain conditions of existing certificates of public need. The bill also requires the Department of Health, in consultation with the Virginia Department of Veterans Services, Virginia Health Information Exchange, Virginia Hospital and Healthcare Association, and other industry stakeholders, to review the provisions of § 32.1-102.4 as amended by this act and the Patient Protection and Affordable Care Act, P.L. 111-148, as both relate to the Commissioner's imposition of conditions on certificates of public need.

STUDENT-RELATED

[HB1461](#) (Lingamfelter)/[SB1242](#) (Stuart) - *Eligibility for in-state tuition charges; military.* Clarifies eligibility for in-state tuition of current and former

military personnel and their dependents. The bill also grants eligibility for in-state tuition charges to veterans residing within the Commonwealth.

[HB1609](#) (Hugo)/[SB1342](#) (Petersen) - *Higher education; mental health treatment coordination.* Provides that the governing board of each public four-year institution of higher education may establish written memoranda of understanding with its local community services board or behavioral health authority and with local hospitals and other local mental health facilities in order to expand the scope of services available to students seeking treatment. The bill requires each memorandum to designate a contact person to be notified when a student is involuntarily committed or when a student is discharged from a facility and consents to such notification. The bill also requires each memorandum to include the institution in the post-discharge planning of a student who has been committed and intends to return to campus, to the extent allowable under state and federal privacy laws.

[HB1617](#) (Gilbert)/[SB1074](#) (Obenshain) - *Higher education; student organizations.* Permits, to the extent allowed by law, religious or political student organizations at public institutions of higher education to determine that only persons committed to the organization's mission may conduct certain activities. The bill also prohibits, to the extent allowed by law, public institutions of higher education from discriminating against a student organization that makes such a determination.

[HB2027](#) (Dudenhefer) - *In-state tuition; active duty members.* Allows any active duty member, activated guard or reservist member, or guard or reservist member mobilized or on temporary active orders for six months or more to pay no more than the in-state tuition rate to attend a public institution of higher education if he resides in Virginia. Currently, such an individual is required to be stationed or assigned to work in Virginia and reside in Virginia to receive the rate of no more than in-state tuition.

[SB857](#) (Blevins) - *Higher education; in-state tuition for military dependents.* Expands eligibility for in-state tuition to certain dependents of active duty military personnel, or activated or temporarily mobilized reservists or guard members, who are either (i) assigned unaccompanied orders and

immediately prior to receiving such unaccompanied orders were assigned to a permanent duty station or workplace geographically located in Virginia, or in a state contiguous to Virginia or the District of Columbia, and resided in Virginia or (ii) assigned unaccompanied orders with Virginia listed as the designated place move.

SB1376 (Martin) - *Civil immunity for certain persons*. Provides that any person who, in good faith and without malice, reports, investigates, or causes an investigation to be made into the activities of any person relating to conduct involving bomb threats or other explosives or alcohol or drug use at a school or institution of higher learning or in connection with a school or institution activity shall be immune from all civil liability that might be incurred as a result of making such a report or investigation. Currently, only certain school and institution personnel enjoy such immunity. The bill also provides that any person is likewise immune if he, in good faith and without malice, reports, investigates, or causes an investigation to be made into information that any person poses a credible danger of serious bodily injury or death to any other person on school property.

2012-14 BIENNIAL BUDGET

HB1500 (Putney) - *Budget Bill*. Amends the 2012-14 biennial budget enacted during the 2012 Special Session of the General Assembly.

General Higher Education Items

- **Item 468** - Provides salary increases effective July 25, 2013 for all employees as follows: 3% on average for *faculty*; 2% plus \$65 for each year of service, up to 30 years, for employees with at least 5 years of continuous service for *staff*; provides flexibility for University staff increases to be based on performance
- **Item 4-7.01** - Provides that wage employees may not work more than 29 hours per week on

average over a twelve month period (does not apply to the Medical Center)

- **Item 4-9.02** - Removes old and adds new institutional performance measures as recommended by the Higher Education Advisory Committee and SCHEV

U.Va.-Specific Items

- **Item 195** - Provides \$2.6 million in additional education and general (E&G) funds and \$1,101,432 for enrollment growth
- **Item 195C** - Provides \$75,000 for the Virginia Foundation for the Humanities
- **Item 195N** - Allows U.Va. to reallocate an additional 1.5% from current E&G funds to address institutional priorities (in addition to the mandated \$2.24 million reallocation to support the goals of the 2012-18 Six-Year Plan or address strategies to advance the HEOA)
- **Item 197B** - Provides \$1 million for cancer research funding
- **Item 197D** - Provides \$1 million for the Economic Development Accelerator
- **Item 280** - Provides \$2.3 million from the Higher Education Equipment Trust Fund for research
- **Item 307** - Reforms and expands Medicaid and establishes the **Medicaid Innovation and Reform Commission** (by adding § 30-339 to *Code of Virginia*)
- **Item C-39.05H** - Authorizes pre-planning for renovation of Gilmer Hall and the Chemistry Building
- **Item C-39.40B** - Authorizes funding for restoration of 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/sb2013>.

The bills and resolutions included in this summary represent a small sample of legislation enacted by the 2013 General Assembly and applicable to the University. For a complete listing, access the 2013 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 2013 General Assembly Session.