

Legislative Report
University of Virginia -- Office of State Governmental Relations
Monday, February 27, 2017

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HB1401 [Higher educational institutions; speech on campus.](#)

Chief Patron: Landes

Summary:

Prohibits public institutions of higher education from abridging the freedom of any individual, including enrolled students, faculty and other employees, and invited guests, to speak on campus, except as otherwise permitted by the First Amendment to the United States Constitution.

Status:

02/21/17 House: Placed on Calendar

02/21/17 House: Senate amendment agreed to by House (79-Y 16-N)

02/21/17 House: VOTE: ADOPTION (79-Y 16-N)

02/24/17 House: Enrolled

02/24/17 House: Bill text as passed House and Senate (HB1401ER)

HB1402 [Higher educational institutions, public; certain positions require residency of the Commonwealth.](#)

Companion Bill: SB907

Chief Patron: Landes

Summary:

Requires the president of the board of visitors of Virginia Military Institute and each chairman and vice-chairman or rector and vice-rector of the governing board of each other public institution of higher education to be a resident of the Commonwealth.

Status:

02/24/17 C Amended by conference committee

02/24/17 House: Conference substitute printed 17105749D-H2

02/24/17 Senate: Conference report agreed to by Senate (33-Y 6-N)

02/24/17 House: Conference report agreed to by House (59-Y 36-N)

02/24/17 House: VOTE: ADOPTION (59-Y 36-N)

HB1410 [Educational institutions, baccalaureate public; enrollment of non-Virginia students.](#)

Chief Patron: Albo

Summary:

Requires the board of visitors of each baccalaureate public institution of higher education, except Virginia Military Institute, Norfolk State University, and Virginia State University, to adopt policies

prohibiting the annual enrollment of full-time equivalent undergraduate non-Virginia students from exceeding 30 percent of the total annual enrollment of full-time equivalent undergraduate students unless the board, after covering the cost to educate each full-time equivalent undergraduate non-Virginia student that exceeds such 30 percent cap with tuition revenue from such students, uses any remaining tuition revenue from such students to lower in equal amounts the rate of tuition and fees charged to each undergraduate Virginia student. The bill declares that the governing board of each public institution of higher education has a duty to the Commonwealth and its citizens.

Status:

02/08/17 Senate: Constitutional reading dispensed
02/08/17 Senate: Referred to Committee on Education and Health
02/13/17 Senate: Assigned Education sub: Higher Education
02/13/17 House: Impact statement from DPB (HB1410H2)
02/16/17 Senate: Failed to report (defeated) in Education and Health (7-Y 8-N)

HB1420 [Certificate of public need; repeals certain requirement involving psychiatric beds, etc.](#)

Companion Bill: SB1141

Chief Patron: Farrell

Summary:

Repeals the requirement for a certificate of public need for certain projects involving mental hospitals or psychiatric hospitals and intermediate care facilities established primarily for the medical, psychiatric, or psychological treatment and rehabilitation of individuals with substance abuse. The bill creates a new permitting process for such projects, exempted from the certificate of public need process, that requires the Commissioner of Health to issue a permit upon the agreement of the applicant to certain charity care conditions and quality of care standards.

Status:

02/03/17 House: VOTE: PASSAGE (86-Y 8-N)
02/06/17 Senate: Constitutional reading dispensed
02/06/17 Senate: Referred to Committee on Education and Health
02/14/17 House: Impact statement from VDH (HB1420H1)
02/21/17 Senate: Left in Education and Health

HB1447 [Higher educational institutions; establishment of substance abuse recovery housing program.](#)

Chief Patron: Miyares

Summary:

Requires, by July 1, 2021, certain baccalaureate public institutions of higher education to establish a

substance abuse recovery housing program to provide recovering students with a substance-free dormitory environment and appropriate support services. The bill allows participating institutions to designate a portion of a dormitory, and states that no participating institution shall be required to designate an entire dormitory, for such program.

Status:

12/01/16 House: Referred to Committee on Education
01/13/17 House: Assigned Education sub: Higher Education
01/16/17 House: Impact statement from DPB (HB1447)
01/24/17 House: Subcommittee recommends laying on the table
02/07/17 House: Left in Education

HB1452 [Higher educational institutions; graduation requirements, course in Western civilization, etc.](#)

Chief Patron: Miyares

Summary:

Requires each student at each public institution of higher education in the Commonwealth to complete a three credit hour course in Western civilization or U.S. history. The bill exempts from such requirement any student who has received a score of 4 or better on an Advanced Placement examination in U.S. history.

Status:

12/02/16 House: Referred to Committee on Education
01/12/17 House: Impact statement from DPB (HB1452)
01/13/17 House: Assigned Education sub: Higher Education
01/24/17 House: Subcommittee recommends laying on the table
02/07/17 House: Left in Education

HB1497 [Ophthalmic prescriptions; definitions, who may provide prescriptions, requirements.](#)

Companion Bill: SB1321

Chief Patron: Farrell

Summary:

Requires, for ophthalmic prescriptions written on or after July 1, 2017, that an ophthalmologist or optometrist establish a bona fide provider-patient relationship with a patient prior to prescribing spectacles, eyeglasses, lenses, or contact lenses, and sets out requirements for establishing such relationship, which includes options for examination of the patient either in person or through face-to-face interactive, two-way, real-time communication or store-and-forward technologies. This bill is identical to [SB 1321](#).

Status:

02/15/17 House: Signed by Speaker
02/17/17 Senate: Signed by President
02/17/17 House: Enrolled Bill communicated to Governor on 2/17/17
02/17/17 Governor: Governor's Action Deadline Midnight, February 24, 2017
02/23/17 Governor: Approved by Governor-Chapter 169 (effective 7/1/17)

HB1500 [Budget Bill.](#)

Companion Bill: SB900

Chief Patron: Jones

Summary:

Amends Chapter 780, 2016 Acts of Assembly.

Status:

02/15/17 Senate: Conferees appointed by Senate
02/15/17 Senate: Senators: Norment, Hanger, Saslaw, Howell, Newman, Ruff, Wagner
02/25/17 Senate: Conference report agreed to by Senate (40-Y 0-N)
02/25/17 House: Conference report agreed to by House (96-Y 1-N)
02/25/17 House: VOTE: ADOPTION (96-Y 1-N)

HB1508 [Critical incident reports; DBHDS to provide written report.](#)

Chief Patron: Hope

Summary:

Requires the Commissioner of Behavioral Health and Developmental Services to provide a written report setting forth the known facts of serious injuries or deaths of individuals receiving services in programs operated or licensed by the Department of Behavioral Health and Developmental Services to the Director of the Commonwealth's designated protection and advocacy system within 15 working days of the critical incident, serious injury, or death. Currently, reports are required only for critical incidents or deaths occurring at facilities operated by the Department.

Status:

02/21/17 House: Placed on Calendar
02/21/17 House: Senate amendment agreed to by House (96-Y 0-N)
02/21/17 House: VOTE: ADOPTION (96-Y 0-N)
02/24/17 House: Enrolled
02/24/17 House: Bill text as passed House and Senate (HB1508ER)

HB1512 Higher educational institutions, public; academic credit for American Sign Language courses.

Chief Patron: Bell, Richard P.

Summary:

Requires each public institution of higher education to develop policies for counting credit received for successful completion of foreign language courses, including American Sign Language courses, either in a secondary school or another institution of higher education toward satisfaction of the foreign language entrance, placement, and course credit requirements of the public institution of higher education. The bill requires each public institution of higher education to count credit received for successful completion of American Sign Language courses at the institution toward satisfaction of its foreign language course credit requirements.

Status:

02/17/17 House: Impact statement from DPB (HB1512ER)

02/17/17 House: Signed by Speaker

02/20/17 Senate: Signed by President

02/21/17 House: Enrolled Bill communicated to Governor on 2/21/17

02/21/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

HB1539 Virginia Freedom of Information Act; public access to records of public bodies.

Chief Patron: LeMunyon

Summary:

Clarifies the definition of public record. The bill also (i) defines "personal contact information" that is excluded from FOIA's mandatory disclosure provisions in certain cases; (ii) clarifies that a requester has the right to inspect records or receive copies at his option; (iii) clarifies language in certain record exclusions under FOIA that certain records may be disclosed at the discretion of the custodian; (iv) consolidates the personnel record exclusion with the limitation on the application of that exclusion, and specifically clarifies that the name, in addition to position, job classification, and salary, of a public employee is public information as per opinions of the Attorney General and the FOIA Council; (v) eliminates, effective July 1, 2018, the exclusion for the Alcoholic Beverage Control Authority relating to operating and marketing strategies; (vi) eliminates the exclusion for correspondence of local officials as unnecessary; (vii) consolidates various public safety exclusions relating to building plans and drawings and critical infrastructure into a single exclusion; (viii) eliminates the exclusion for administrative investigations of the Department of Human Resource Management, as the exclusion is already covered under the personnel records exclusion; (ix) expands the exclusion for personal information provided to the Virginia College Savings Plan to cover qualified beneficiaries, designated survivors, and authorized individuals, which terms are defined in the bill; (x) consolidates the various record exclusions for the Department of Health Professions and the Department of Health into single exclusions for each Department; (xi) clarifies certain Department of Social Services exclusions; (xii) provides an exclusion for local finance boards that provide postemployment benefits other than pensions; and (xiii) eliminates

the record exclusion for Virginia Wildlife Magazine. The bill also limits the application of the working papers exemption by stating that information publicly available or not otherwise subject to an exclusion under FOIA or other provision of law that has been aggregated, combined, or changed in format but does not contain a material revision to such information shall not be deemed working papers. . The bill contains numerous technical amendments. This bill is a recommendation of the Freedom of Information Advisory Council pursuant to the [HJR 96](#) FOIA study (2014-2016).

Status:

02/15/17 Senate: Constitutional reading dispensed (40-Y 0-N)

02/16/17 Senate: Read third time

02/16/17 Senate: Passed Senate (39-Y 0-N)

02/16/17 Senate: Reconsideration of Senate passage agreed to by Senate (40-Y 0-N)

02/16/17 Senate: Passed Senate (40-Y 0-N)

HB1544 [Certificates of public need; conditions on certificates, alternative plans of compliance.](#)

Chief Patron: Collins

Summary:

Provides that in cases in which a certificate holder holds more than one certificate of public need with conditions, and the certificate holder is unable to satisfy the conditions of one certificate, the Department of Health may provide for satisfaction of the conditions on that certificate by the provision of care at a reduced rate to indigent individuals in excess of the amount required by another certificate issued to the same holder, in an amount approved by the Department as part of an alternative plan of compliance.

Status:

02/21/17 House: Placed on Calendar

02/21/17 House: Senate amendment agreed to by House (72-Y 25-N)

02/21/17 House: VOTE: ADOPTION (72-Y 25-N)

02/24/17 House: Enrolled

02/24/17 House: Bill text as passed House and Senate (HB1544ER)

HB1555 [Agency directors; human resource training and agency succession planning.](#)

Chief Patron: Ware

Summary:

Directs the Department of Human Resource Management (the Department) to administer training programs to familiarize agency directors with state human resource policies, such as compensation management, benefits administration, and resources available at the Department. The bill requires (i) the Department to offer training programs at least twice per year, (ii) each agency director to attend a

training program with the agency chief human resource officer within six months after the director's appointment and thereafter at least once every four years, (iii) the agency chief human resource officer to provide subsequent training on agency-specific human resource policies, and (iv) each agency director to develop and submit annually to the Department an agency succession plan for key personnel, executive positions, and employees nearing retirement. The bill also requires public institutions of higher education to prepare a succession plan for presentation to the board of visitors with a copy to the Department.

Status:

02/21/17 Senate: Passed Senate with amendment (40-Y 0-N)
02/22/17 House: Placed on Calendar
02/22/17 House: Senate amendment rejected by House (0-Y 100-N)
02/22/17 House: VOTE: REJECTED (0-Y 100-N)
02/23/17 Senate: Senate receded from amendment (40-Y 0-N)

HB1612 [Physical Privacy Act; created.](#)

Chief Patron: Marshall, R.G.

Summary:

Creates the Physical Privacy Act, which requires that a government entity provide for members of the opposite sex separate restrooms and other facilities in a building owned, leased, or otherwise controlled by the entity. The bill provides that, subject to certain exceptions, no individual shall enter a restroom or other facility designated for use by members of the opposite sex. The bill creates a civil cause of action against a government entity for an individual who accesses a restroom or other facility designated for use by members of such individual's sex and encounters a member of the opposite sex if the government entity allowed the member of the opposite sex to use such restroom or other facility or failed to take reasonable steps to prohibit such use. The bill also requires that the principal of a public school notify within 24 hours the parent or guardian of a child attending such school if the child requests to be recognized or treated as the opposite sex, to use a name or pronoun inconsistent with the child's sex, or to use a restroom or other facility designated for the opposite sex.

Status:

01/03/17 House: Prefiled and ordered printed; offered 01/11/17 17103140D
01/03/17 House: Referred to Committee on General Laws
01/16/17 House: Assigned GL sub: Subcommittee #4
01/19/17 House: Subcommittee recommends laying on the table
02/08/17 House: Left in General Laws

HB1634 [Dept of Human Resources Management; criminal background checks; state agency positions.](#)

Chief Patron: Sullivan

Summary:

Requires each state agency to create and annually update a list of the positions that it has designated as sensitive and submit the list to the Department of Human Resources Management by July 1 of each year. The bill clarifies who would be subject to a criminal background investigation in a sensitive position. The bill expands the definition of sensitive position to include those positions (i) responsible for the health, safety, and welfare of citizens or the protection of critical infrastructures; (ii) that have access to sensitive information, including information obtained from the Internal Revenue Service; and (iii) that are otherwise required by state or federal law to be designated as sensitive. The bill contains an emergency clause.

Status:

01/04/17 House: Referred to Committee on General Laws
01/11/17 House: Assigned GL sub: Subcommittee #4
01/11/17 House: Impact statement from DPB (HB1634)
01/31/17 House: Subcommittee recommends striking from docket
02/02/17 House: Stricken from docket by General Laws

HB1662 [Higher educational institutions, public; general education course credit, dual enrollment courses.](#)

Companion Bill: SB1534

Chief Patron: Greason

Summary:

Requires the State Council of Higher Education for Virginia (SCHEV), in consultation with each public institution of higher education, to establish a policy for granting undergraduate general education course credit to any entering freshman student who has successfully completed a dual enrollment course. The bill requires SCHEV and each public institution of higher education to make the policy available to the public on their websites. This bill is identical to [SB 1534](#).

Status:

02/20/17 Senate: Reconsideration of Senate passage agreed to by Senate (40-Y 0-N)
02/20/17 Senate: Passed Senate (40-Y 0-N)
02/23/17 House: Enrolled
02/23/17 House: Bill text as passed House and Senate (HB1662ER)
02/23/17 House: Impact statement from DPB (HB1662ER)

HB1667 [Public contracts; gender identity, civil liability.](#)

Chief Patron: Marshall, R.G.

Summary:

Prohibits agencies of the Commonwealth and other public bodies from requiring any contractor entering

into a public contract to agree to additional nondiscrimination provisions with respect to gender identity or sexual orientation. The bill also provides civil immunity for any business or nonprofit organization that does not provide any benefit or accommodation with respect to gender identity or sexual orientation.

Status:

01/05/17 House: Referred to Committee on General Laws
01/11/17 House: Assigned GL sub: Subcommittee #2
01/20/17 House: Impact statement from DPB (HB1667)
01/31/17 House: Subcommittee recommends laying on the table
02/08/17 House: Left in General Laws

HB1825 [Ticket Resale Rights Act; limitations on reselling tickets on Internet ticketing platform, penalty.](#)

Companion Bill: SB1425

Chief Patron: Albo

Summary:

Prohibits any person that issues tickets for admission to a professional concert, professional sporting event, or professional theatrical production, open to the public for which tickets are ordinarily sold, from issuing the ticket solely through a delivery method that substantially prevents the ticket purchaser from lawfully reselling the ticket on the Internet ticketing platform of the ticket purchaser's choice. The measure also prohibits a person from being discriminated against or denied admission to an event solely on the basis that the person resold a ticket, or purchased a resold ticket, on a specific Internet ticketing platform. A person violating these prohibitions is subject to a civil penalty of not less than \$1,000 nor more than \$5,000. This bill is identical to [SB 1425](#).

Status:

02/20/17 House: Placed on Calendar
02/20/17 House: Senate amendment agreed to by House (84-Y 10-N 1-A)
02/20/17 House: VOTE: ADOPTION (84-Y 10-N 1-A)
02/23/17 House: Enrolled
02/23/17 House: Bill text as passed House and Senate (HB1825ER)

HB1842 [Alcoholic beverage control; neutral grain spirits or alcohol sold at government stores; proof.](#)

Chief Patron: Knight

Summary:

Increases from 101 to 151 the proof of neutral grain spirits or alcohol that is without distinctive character, aroma, taste, or color that may be sold at government stores. The bill has an expiration date of July 1, 2022.

Status:

02/17/17 Senate: Signed by President

02/17/17 House: Enrolled Bill communicated to Governor on 2/17/17

02/17/17 Governor: Governor's Action Deadline Midnight, February 24, 2017

02/21/17 House: Impact statement from DPB (HB1842ER)

02/23/17 Governor: Approved by Governor-Chapter 155 (effective 7/1/17)

HB1854 [Conflicts of Interests Acts, State & Local Government & General Assembly, lobbyist, filing.](#)

Companion Bill: SB1312

Chief Patron: Gilbert

Summary:

Makes numerous changes to the laws governing lobbyist reporting, the conflict of interest acts, and the Virginia Conflict of Interest and Ethics Advisory Council (the Council), including (i) allowing the Secretary of the Commonwealth to suspend any penalty that could be assessed against a lobbyist's principal for failing to file the required disclosure if such failure is beyond the control of the principal; (ii) clarifying the procedures for terminating the services of a lobbyist; (iii) requiring that lobbyist registration forms be filed electronically; (iv) eliminating the requirement that a lobbyist list the names, addresses, and telephone numbers of all other lobbyists representing the same principal; (v) creating a separate statement for a lobbyist's principal to waive the principal signature requirement on the lobbyist disclosure form; (vi) granting the clerk of the local governing body or school board the same power as the Council to redact from any disclosure form released to the public any residential address, personal telephone number, or signature; (vii) eliminating the minimum duration of the mandatory refresher ethics orientation session for General Assembly members; (viii) allowing written informal advice from the Council to confer immunity from prosecution upon individuals acting in accordance with such advice; (ix) clarifying the Council's authority to grant extensions from the filing deadline and imposing a \$250 civil penalty on agency heads or local clerks who fail to provide the disclosure forms to filers in a timely manner; (x) requiring lobbyists to provide a report of gifts made during a regular session of the General Assembly no later than three weeks after adjournment to legislators and certain executive branch officials who are required to file a session gift report; and (xi) directing that candidates for statewide office and the General Assembly are required to file a disclosure form with the State Board of Elections and candidates for a constitutional office are required to file a disclosure form with the local general registrar. The bill also extends the filing deadline for disclosure forms from January 15 to February 1 and clarifies the reporting period covered by the disclosure forms. The bill eliminates events open to individuals who share a common interest from the definition of a "widely attended event," attendance at which is not subject to the gift cap. The bill also exempts from the definition of a "gift" (a) gifts from a person's child-in-law; (b) gifts related to a person's volunteer service; (c) meals provided for attendance at an official meeting of the Commonwealth, its political subdivisions, or certain other entities; and (d) attendance at a reception or similar function. The bill also exempts members of the judiciary from certain provisions governing prohibited gifts and prohibited personal interests in a transaction where such members are already subject to similar or greater prohibitions under the Canons of Judicial Conduct for the State of Virginia. The bill also clarifies that a legislator may have a personal interest in a contract with

a government agency, not including a legislative branch agency, when the Virginia Public Procurement Act allows the award of such contract without competition. The bill further clarifies the exceptions that allow state and local officers and employees who have a person interest in a transaction to participate in the transaction. Finally, the bill contains technical amendments. The bill contains an emergency clause that applies to the changes described in clauses (x) and (xi).

Status:

02/23/17 House: Delegates: Gilbert, Minchew, James
02/23/17 C Amended by conference committee
02/24/17 Senate: Conference report agreed to by Senate (39-Y 1-N)
02/24/17 House: Conference report agreed to by House (94-Y 0-N)
02/24/17 House: VOTE: ADOPTION EMERGENCY (94-Y 0-N)

HB1857 [Tuition, in-state; eligibility, certain individuals who have applied for permanent residency, etc.](#)

Chief Patron: Lopez

Summary:

Declares eligible for in-state tuition any individual who (i) attended a public or private high school in the Commonwealth for at least three years; (ii) graduated from a public or private high school in the Commonwealth or passed a high school equivalency examination approved by the Board of Education; (iii) registers as an entering student or is enrolled in a public institution of higher education; (iv) provides an affidavit to the public institution of higher education in which he has registered as an entering student or is enrolled stating that he has filed an application to become a permanent resident of the United States and is actively pursuing such permanent residency or will do so as soon as he becomes eligible for such permanent residency; and (v) submits evidence to the institution at which he has registered as an entering student or is enrolled that he, or in the case of a dependent student, at least one parent, guardian, or person standing in loco parentis, has filed, unless exempted by state law, Virginia income tax returns for at least three years prior to the date of registration as an entering student or enrollment. The bill provides that any such individual shall remain eligible for in-state tuition for as long as he maintains continuous enrollment in the public institution of higher education and his application for permanent residency has not been denied. The bill also prohibits any student who became eligible for in-state tuition as a result of his lawful presence in the United States pursuant to approval under the Deferred Action for Childhood Arrivals program or any other federal deferred action program from being deemed ineligible for in-state tuition by virtue of the elimination or modification of any such program.

Status:

01/20/17 House: Assigned Education sub: Higher Education
01/26/17 House: Impact statement from DPB (HB1857)
01/31/17 House: Subcommittee recommends reporting (4-Y 2-N)
01/31/17 House: Subcommittee recommends referring to Committee on Appropriations
02/01/17 House: Tabled in Education

HB1876 [Virginia Freedom of Information Act; public access to library records of minors.](#)

Chief Patron: Pogge

Summary:

Excludes from mandatory disclosure library records that can be used to identify any library patron under the age of 18 years. The bill provides that access shall not be denied to the parent, including a noncustodial parent, or guardian of such library patron.

Status:

02/10/17 Senate: Assigned GL&T sub: #1

02/20/17 Senate: Reported from General Laws and Technology (15-Y 0-N)

02/21/17 Senate: Constitutional reading dispensed (39-Y 0-N)

02/22/17 Senate: Read third time

02/22/17 Senate: Passed Senate (40-Y 0-N)

HB1885 [Opioids; limit on amount prescribed, extends sunset provision.](#)

Companion Bill: SB1232

Chief Patron: Hugo

Summary:

Requires a prescriber registered with the Prescription Monitoring Program (the Program) to request information about a patient from the Program upon initiating a new course of treatment that includes the prescribing of opioids anticipated, at the onset of treatment, to last more than seven consecutive days and exempts the prescriber from this requirement if the opioid is prescribed as part of treatment for a surgical or invasive procedure and such prescription is for no more than 14 consecutive days. Current law requires a registered prescriber to request information about a patient from the Program upon initiating a new course of treatment that includes the prescribing of opioids anticipated, at the onset of treatment, to last more than 14 consecutive days and exempts the prescriber from this requirement if the opioid is prescribed as part of a course of treatment for a surgical or invasive procedure and such prescription is not refillable. The bill extends the sunset for this requirement from July 1, 2019, to July 1, 2022.

Status:

02/23/17 House: VOTE: ADOPTION (100-Y 0-N)

02/24/17 Senate: Senate concurred in Governor's recommendation (40-Y 0-N)

02/24/17 Governor: Governor's recommendation adopted

02/24/17 House: Reenrolled bill text (HB1885ER2)

02/24/17 Governor: Approved by Governor-Chapter 249 (effective 7/1/17)

HB1886 [Higher educational institutions, public; admission of certain](#)

undergraduate students.

Chief Patron: Hugo

Summary:

Requires the governing board of each public institution of higher education, except for the Virginia Military Institute, Norfolk State University, and Virginia State University, to establish policies requiring that at least 75 percent of undergraduate students admitted to the institution have established domicile in the Commonwealth. The bill requires each such governing board to recover any lost revenue caused by this requirement by increasing the tuition charged to undergraduate non-Virginia students. The bill requires compliance with such requirements and policies beginning no later than June 30, 2022.

Status:

01/25/17 House: Referred to Committee on Appropriations
01/25/17 House: Assigned App. sub: Higher Education
01/27/17 House: Impact statement from DPB (HB1886)
02/01/17 House: Subcommittee recommends laying on the table
02/03/17 House: Incorporated by Appropriations (HB1410-Albo)

HB1887 Higher educational institutions; tuition assistance for non-Virginia students.

Chief Patron: Hugo

Summary:

Prohibits each public institution of higher education from using any proceeds from state debt or revenues generated from state taxes and fees that are appropriated to such institution to offer any form of tuition assistance to any non-Virginia student and requires each public institution of higher education to separately account for such proceeds and revenues and provide a report of expenditures from such account to the House Committee on Appropriations and the Senate Committee on Finance upon the request of such committees.

Status:

01/25/17 House: Referred to Committee on Appropriations
01/25/17 House: Assigned App. sub: Higher Education
02/01/17 House: Subcommittee recommends laying on the table
02/02/17 House: Impact statement from DPB (HB1887)
02/03/17 House: Incorporated by Appropriations (HB1410-Albo)

HB1892 Higher educational institutions, public; independent audit.

Chief Patron: Miyares

Summary:

Requires the governing board of each public institution of higher education to submit the annual financial statements for the fiscal year ending the preceding June 30 and the accounts and status of any ongoing capital projects to a certified public accounting firm for the independent audit of such statements at the expense of the institution.

Status:

01/10/17 House: Referred to Committee on Education
01/18/17 House: Impact statement from DPB (HB1892)
01/20/17 House: Assigned Education sub: Higher Education
01/31/17 House: Subcommittee recommends laying on the table
02/07/17 House: Left in Education

HB1895 [Virginia Student Loan Refinancing Authority; established, refinancing loan guaranty program.](#)

Companion Bill: SB1036

Chief Patron: Price

Summary:

Establishes the Virginia Student Loan Refinancing Authority (the Authority), to be governed by a 10-member board, for the purpose of developing and implementing a program by which the Authority may guarantee the obligations of an individual who incurred qualified education loan debt as a Virginia student at an institution of higher education in the Commonwealth under loans that refinance such education loan debt. The measure limits eligibility to individuals who have not received, and are not eligible to receive, relief under applicable federal student loan repayment or loan forgiveness programs. The Authority is authorized to issue bonds to finance its obligations under such loan guarantees.

Status:

01/10/17 House: Prefiled and ordered printed; offered 01/11/17 17101352D
01/10/17 House: Referred to Committee on Appropriations
01/13/17 House: Assigned App. sub: Higher Education
01/23/17 House: Subcommittee recommends laying on the table
02/08/17 House: Left in Appropriations

HB1898 [Controlled substances; limits on prescription containing opioids.](#)

Chief Patron: Bell, John J.

Summary:

Prohibits a prescriber providing treatment for a patient in an emergency department of a corporation, facility, or institution licensed, owned, or operated by the Commonwealth to provide health care from prescribing a controlled substance containing an opioid in a quantity greater than a three-day supply, as determined in accordance with the prescriber's directions for use. The bill also prohibits a pharmacist

from dispensing a controlled substance containing an opioid pursuant to a prescription issued by a prescriber providing treatment to a patient in the emergency department of a corporation, facility, or institution licensed, owned, or operated by the Commonwealth to provide health care unless the prescription complies with the requirements of the bill. The bill has an expiration date of July 1, 2020.

Status:

01/10/17 House: Referred to Committee on Health, Welfare and Institutions

01/17/17 House: Assigned HWI sub: Subcommittee #1

01/20/17 House: Impact statement from VDH (HB1898)

01/23/17 House: Subcommittee recommends laying on the table

02/07/17 House: Left in Health, Welfare and Institutions

HB1911 [Higher educational institutions, public; resident assistants training in mental health.](#)

Chief Patron: Yost

Summary:

Requires each resident assistant in a student housing facility at a public institution of higher education to participate in Mental Health First Aid training or a similar program prior to the commencement of his duties.

Status:

02/17/17 House: Impact statement from DPB (HB1911ER)

02/17/17 House: Signed by Speaker

02/20/17 Senate: Signed by President

02/21/17 House: Enrolled Bill communicated to Governor on 2/21/17

02/21/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

HB1916 [Virginia Student Loan Authority; established, report.](#)

Chief Patron: Simon

Summary:

Establishes the Virginia Student Loan Authority, to be governed by a 10-member board, for the purpose of developing and implementing a program by which (i) each individual who incurred qualified education loan debt as a Virginia student at a public institution of higher education or private institution of higher education and who is eligible, on the basis of criteria established by the Authority that are substantially similar to criteria used by private lenders in the Commonwealth to evaluate student eligibility for an unsecured personal loan at market rates, may receive a loan from the Authority to refinance all or part of his qualified education loans, as that term is defined in relevant federal law, and (ii) each Virginia student who is eligible, on the basis of criteria established by the Authority that are substantially similar to criteria used by private lenders in the Commonwealth to evaluate student eligibility for an unsecured personal loan at market rates, may receive a direct qualified education loan from the Authority to attend

a public institution of higher education or private institution of higher education.

Status:

01/10/17 House: Prefiled and ordered printed; offered 01/11/17 17103557D

01/10/17 House: Referred to Committee on Appropriations

01/13/17 House: Assigned App. sub: Higher Education

01/23/17 House: Subcommittee recommends laying on the table

02/08/17 House: Left in Appropriations

HB1930 [Overdoses; safe reporting.](#)

Chief Patron: Carr

Summary:

Extends to an individual experiencing a drug-related or alcohol-related overdose the affirmative defense to prosecution for (i) simple possession of a controlled substance, marijuana, or controlled paraphernalia; (ii) intoxication in public; or (iii) the unlawful purchase, possession, or consumption of alcohol, if another individual, in good faith, sought or obtained emergency medical attention for the individual experiencing the overdose. Under current law, the affirmative defense applies only to an individual who sought or obtained emergency medical attention for another individual experiencing an overdose or to an individual who sought or obtained emergency medical attention for himself.

Status:

01/10/17 House: Prefiled and ordered printed; offered 01/11/17 17100409D

01/10/17 House: Referred to Committee for Courts of Justice

01/13/17 House: Assigned Courts sub: Criminal Law

02/01/17 House: Subcommittee recommends laying on the table

02/07/17 House: Left in Courts of Justice

HB2001 [Higher educational institutions; immigration enforcement.](#)

Chief Patron: Poindexter

Summary:

Requires the governing board and each employee of each public institution of higher education to cooperate in the enforcement of federal law by U.S. Customs and Immigration Enforcement on the institution's campus, in any noncampus building or property, and on public property, as such terms are defined in relevant state law.

Status:

01/10/17 House: Referred to Committee on Education

01/20/17 House: Assigned Education sub: Higher Education

01/26/17 House: Impact statement from DPB (HB2001)

01/31/17 House: Subcommittee recommends laying on the table

02/07/17 House: Left in Education

HB2004 [Higher educational institutions, public; annual executive summary.](#)

Chief Patron: Poindexter

Summary:

Requires the annual executive summary submitted by the governing board of each public institution of higher education to the General Assembly and the Governor to indicate the number of undergraduate students enrolled full time who are not citizens of the United States and the number of such students who receive annual financial assistance to attend such institution in an amount greater than 25 percent of the total annual cost of full-time undergraduate Virginia student tuition and room and board.

Status:

01/10/17 House: Referred to Committee on Education

01/17/17 House: Impact statement from DPB (HB2004)

01/20/17 House: Assigned Education sub: Higher Education

01/31/17 House: Subcommittee recommends striking from docket

02/01/17 House: Stricken from docket by Education

HB2006 [Va. Fair Housing Law; responsibilities with respect to use of an assistance animal in a dwelling.](#)

Companion Bill: SB1228

Chief Patron: Carr

Summary:

Sets out the rights and responsibilities under the Virginia Fair Housing Law (§ 36-96.1 et seq.) with respect to maintaining an assistance animal in a dwelling. The bill establishes a process for the review and approval or denial of a request from a person with a disability for reasonable accommodation to maintain an assistance animal in such person's dwelling. Under the bill, whenever a request for a reasonable accommodation to maintain an assistance animal in a dwelling is denied for reasons other than that the requester does not have (i) a disability or (ii) a disability-related need for an assistance animal, the person who receives the request shall initiate an interactive process with the individual requesting accommodation to determine if there is an alternative accommodation that would effectively address the disability-related need. The bill removes language providing that the terms "individual with a handicap" nor the term "handicap" do not apply to an individual solely because that individual is a transvestite. The bill also defines assistance animal, major life activities, and physical or mental impairment. This bill is a recommendation of the Virginia Housing Commission.

Status:

02/23/17 Senate: Senators: Barker, Suetterlein, Sturtevant

02/24/17 House: Conference substitute printed 17105862D-H1
02/24/17 Senate: Conference report agreed to by Senate (40-Y 0-N)
02/24/17 House: Conference report agreed to by House (93-Y 0-N)
02/24/17 House: VOTE: ADOPTION (93-Y 0-N)

HB2011 [Discrimination; separation of the sexes.](#)

Chief Patron: Marshall, R.G.

Summary:

Provides that recognition by any entity of the inherent differences between males and females, including the biological characteristics or qualities that distinguish an individual as either male or female as determined at birth, and the mere separation of the sexes by such entity based on such differences shall not constitute discrimination, provided that such separation is consistent with Article I, Section 11 of the Constitution of Virginia. The bill also provides that any local ordinance that likewise recognizes such inherent differences does not constitute discrimination. The bill permits local school boards to enact policies prohibiting discrimination in education based on race, color, religion, sex, pregnancy, childbirth or related medical conditions, national origin, age, marital status, or disability, provided that a policy that recognizes the inherent differences between males and females and the mere separation of the sexes by such policy based on such differences shall not constitute discrimination, provided that such separation is consistent with Article I, Section 11 of the Constitution of Virginia.

Status:

01/10/17 House: Prefiled and ordered printed; offered 01/11/17 17103143D
01/10/17 House: Referred to Committee on General Laws
01/13/17 House: Impact statement from DHCD (HB2011)
01/16/17 House: Assigned GL sub: Subcommittee #4
02/08/17 House: Left in General Laws

HB2042 [Suicide prevention; continuing education requirements for providers.](#)

Chief Patron: Murphy

Summary:

Requires continuing education related to suicide assessment, treatment, and management for all licensed doctors of medicine, osteopathy, and chiropractic medicine; licensed physician assistants; licensed nurse practitioners; licensed occupational therapists; licensed registered nurses; licensed practical nurses; licensed physical therapists and physical therapy assistants; licensed counselors, substance abuse treatment practitioners, and marriage and family therapists; licensed psychologists; and licensed social workers.

Status:

01/10/17 House: Referred to Committee on Health, Welfare and Institutions
01/16/17 House: Impact statement from VDH (HB2042)

01/17/17 House: Assigned HWI sub: Subcommittee #1
01/24/17 House: Subcommittee recommends laying on the table
02/07/17 House: Left in Health, Welfare and Institutions

HB2077 [Emergency Services and Disaster Law of 2000; reference to firearms, emergency shelter.](#)

Chief Patron: Wilt

Summary:

Removes the authority of a governmental entity under the Emergency Services and Disaster Law of 2000 to limit lawful possession, carrying, transportation, sale, or transfer of firearms in any place or facility used by the governmental entity as an emergency shelter.

Status:

02/20/17 House: Impact statement from DPB (HB2077ER)
02/20/17 House: Signed by Speaker
02/21/17 Senate: Signed by President
02/21/17 House: Enrolled Bill communicated to Governor on 2/21/17
02/21/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

HB2101 [Health care providers; data collection.](#)

Chief Patron: Byron

Summary:

Defines "charity care" and "bad debt" as used in the context of certificate of public need, establishes a uniform framework for determining the value of charity care provided, and requires health care providers to report data on (i) the total amount of charity care, as defined in § 32.1-102.1, that the facility provides to indigent persons; (ii) the number of patients to whom charity care is provided; (iii) the specific services delivered to patients that are reported as charity care; and (iv) the portion of the total amount of charity care provided that each service represents. The bill also requires health care providers to report data and information identifying any parent company of the health care provider and any subsidiary company of the health care provider and requires every hospital that receives a disproportionate share hospital adjustment to report the number of inpatient days attributable to patients eligible for both Medicare Part A and Supplemental Security Income, the number of inpatient days attributed to patients eligible for Medicaid but not Medicare Part A, and the total amount of the disproportionate share hospital adjustment received.

Status:

02/23/17 Senate: Senators: Dunnivant, Barker, Newman
02/24/17 House: Conference substitute printed 17105812D-H1
02/24/17 Senate: Conference report agreed to by Senate (40-Y 0-N)
02/24/17 House: Conference report agreed to by House (95-Y 0-N)

HB2109 [Persons with disabilities; expands definition of 'service dog.'](#)

Chief Patron: Kory

Summary:

Expands the definition of "service dog" to include dogs trained to assist persons with a disability by providing (i) therapeutic contact to help with depression, anxiety, or certain phobias, or to improve physical or cognitive functioning, or (ii) emotional support, well-being, comfort, or companionship.

Status:

01/10/17 House: Prefiled and ordered printed; offered 01/11/17 17102344D
01/10/17 House: Referred to Committee on Health, Welfare and Institutions
01/13/17 House: Impact statement from DPB (HB2109)
01/17/17 House: Assigned HWI sub: Subcommittee #3
02/07/17 House: Left in Health, Welfare and Institutions

HB2126 [Family and Medical Leave Insurance Program; established.](#)

Chief Patron: Levine

Summary:

Entitles individuals to a family and medical leave insurance (FMLI) benefit payment for each month they are engaged in qualified caregiving, not to exceed 60 qualified caregiving days per year. Qualified caregiving means an activity, except regular employment, for a reason an individual is entitled to leave under the federal Family and Medical Leave Act of 1993. Benefits would amount to 66 percent of an individual's monthly wages, based on highest annual earnings from the prior three years, up to a capped monthly amount, and would be indexed to the national average wage index. If a person takes the maximum number of days, the benefits would range from a minimum benefit of \$580 to a maximum benefit of \$4,000 per month in the program's first year. To be eligible for benefits, an individual is required to (i) be insured for disability insurance benefits under the Social Security Act at the time his application is filed; (ii) have earned income from employment during the 12 months before filing the application; (iii) have filed an application for a FMLI benefit; and (iv) have been engaged in qualified caregiving, or anticipate being so engaged, during the 90-day period before the application is filed or within 30 days thereafter. The measure establishes the Family and Medical Insurance Leave Fund and requires FMLI benefit payments to be made only from this Fund. A tax of 0.2 percent is imposed on the wages received by every individual, and an excise tax of 0.2 percent of the wages paid in any calendar year by the employer with respect to their employment is imposed on employers. The measure has a delayed effective date of January 1, 2018.

Status:

01/11/17 House: Referred to Committee on Commerce and Labor
01/19/17 House: Assigned C & L sub: Subcommittee #2

01/24/17 House: Impact statement from DPB (HB2126)
01/24/17 House: Subcommittee recommends passing by indefinitely
02/08/17 House: Left in Commerce and Labor

HB2165 [Opiate prescriptions; electronic prescriptions.](#)

Companion Bill: SB1230

Chief Patron: Pillion

Summary:

Requires a prescription for any controlled substance containing an opiate to be issued as an electronic prescription and prohibits a pharmacist from dispensing a controlled substance that contains an opiate unless the prescription is issued as an electronic prescription, beginning July 1, 2020. The bill defines electronic prescription as a written prescription that is generated on an electronic application and provides that Schedule II through V prescriptions must be transmitted in accordance with federal regulations. The bill requires the Secretary of Health and Human Resources to convene a work group to review actions necessary for the implementation of the bill's provisions and to evaluate hardships on prescribers and the inability of prescribers to comply with the deadline for electronic prescribing and to make recommendations for any extension or exemption processes relative to compliance or disruptions due to natural or manmade disasters or technology gaps, failures, or interruptions of service. The bill requires the work group to report on its progress to the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health by November 1, 2017, and to issue a final report to such Chairmen by November 1, 2018.

Status:

02/15/17 House: Signed by Speaker
02/17/17 Senate: Signed by President
02/17/17 House: Enrolled Bill communicated to Governor on 2/17/17
02/17/17 Governor: Governor's Action Deadline Midnight, February 24, 2017
02/21/17 Governor: Approved by Governor-Chapter 115 (effective - see bill)

HB2171 [Higher educational institutions, public; use of investment fund earnings.](#)

Chief Patron: Massie

Summary:

Requires the governing board of each public institution of higher education to annually report to the State Council of Higher Education for Virginia (i) the value of investments as reflected on the Statement of Net Position as of June 30 of the previous fiscal year, excluding any funds derived from endowment donations, endowment income, or other private philanthropy; (ii) the cash earnings on such balances in the previous fiscal year; and (iii) the use of the cash earnings on such balances. In the event that the commitment of any such investment earnings spans more than one fiscal year, the report shall reflect the commitments made in each future fiscal year. The bill excludes from such reporting requirements the investments of Virginia Commonwealth University Health System Authority and the University of

Virginia Medical Center.

Status:

02/20/17 Senate: Reconsideration of Senate passage agreed to by Senate (40-Y 0-N)

02/20/17 Senate: Passed Senate (40-Y 0-N)

02/23/17 House: Enrolled

02/23/17 House: Bill text as passed House and Senate (HB2171ER)

02/23/17 House: Impact statement from DPB (HB2171ER)

HB2196 [Wireless communications infrastructure; procedure for approved by localities.](#)

Companion Bill: SB1282

Chief Patron: Kilgore

Summary:

Provides a uniform procedure for the way in which wireless communications infrastructure is approved by localities and approved and installed in public rights-of-way.

Status:

02/03/17 House: Passed by for the day

02/06/17 House: Read second time

02/06/17 House: Committee substitute agreed to 17104414D-H1

02/06/17 House: Engrossment refused by House (37-Y 57-N)

02/06/17 House: VOTE: ENGROSSMENT REFUSED (37-Y 57-N)

HB2214 [Transportation, Department of, and University of Virginia; use agreement.](#)

Chief Patron: Toscano

Summary:

Authorizes a use agreement between the Department of Transportation and the University of Virginia to permit the Department of Transportation use of the Shelburne Building on the University of Virginia Charlottesville campus for a period not to exceed 50 years.

Status:

02/15/17 House: Signed by Speaker

02/17/17 Senate: Signed by President

02/17/17 House: Enrolled Bill communicated to Governor on 2/17/17

02/17/17 Governor: Governor's Action Deadline Midnight, February 24, 2017

02/21/17 Governor: Approved by Governor-Chapter 127 (effective 7/1/17)

HB2223 [Virginia Freedom of Information Act; right to speak at open meetings.](#)

Chief Patron: Kory

Summary:

Requires that every public body afford an opportunity for public comment during any open meeting and requires that the public comment periods be noticed on the public body's agenda. The bill permits the public body to have discretion in where it places the public comment period on its agenda and permits the public body to adopt reasonable rules governing the public comment portion of the meeting, including imposing reasonable restrictions on time, place, and manner. The bill requires that for meetings of all public bodies, not just those state public bodies on which there is at least one member appointed by the Governor as in current law, the notice provided for any such meeting include a statement as to approximately at what point during the meeting public comment will be received.

Status:

01/11/17 House: Referred to Committee on General Laws

01/16/17 House: Assigned GL sub: Subcommittee #2

01/23/17 House: Impact statement from DPB (HB2223)

01/26/17 House: Subcommittee recommends reporting with amendment (5-Y 2-N)

02/02/17 House: Tabled in General Laws

HB2227 [Certificate of public need; denial of certain certificates.](#)

Chief Patron: Head

Summary:

Prohibits the Commissioner of Health from denying an application for a certificate of public need for the addition of a new neonatal special care service at a medical care facility located in a planning district with a population of 275,000 or more in which there is only a single existing provider of such service or a new open heart surgery service at a medical care facility located in a planning district with a population of 2,000,000 or more in which there are two or more existing providers of such service solely because of the expected economic impact of the proposed project on an existing service in the planning district or the expected impact of the proposed project on the utilization of or volume of services delivered by an existing service in the planning district.

Status:

01/11/17 House: Referred to Committee on Health, Welfare and Institutions

01/13/17 House: Impact statement from VDH (HB2227)

01/17/17 House: Assigned HWI sub: Subcommittee #3

01/25/17 House: Subcommittee recommends laying on the table

02/07/17 House: Left in Health, Welfare and Institutions

HB2245 [Virginia Research Investment Committee; expands role of Committee.](#)

Companion Bill: SB1371

Chief Patron: Jones

Summary:

Expands the role of the Virginia Research Investment Committee (the Committee) to include, in addition to awarding grants and loans from the Virginia Research Investment Fund, providing guidance and coordination in the use of public funds to support research and commercialization efforts throughout the Commonwealth. Effective January 1, 2018, the bill moves responsibility for the development of the Commonwealth Research and Technology Strategic Roadmap (the Roadmap) from the Center for Innovative Technology to the State Council of Higher Education for Virginia (the Council), which shall submit the plan to the Committee for approval. The Council would consult with public institutions of higher education, make recommendations on the industry sectors in which the Commonwealth should focus its research and development efforts, and establish a process for maintaining an inventory of the Commonwealth's current research and development efforts. The Roadmap would be used to determine areas of focus for awards from the Virginia Research Investment Fund and the Commonwealth Research Commercialization Fund.

The bill also clarifies that the exemption from mandatory disclosure of records under the Freedom of Information Act by applicants for grants and loans from the Committee applies to certain financial records, trade secrets, and research-related information. The bill requires an applicant seeking to invoke the protections of the exemption to submit a written request to the Committee identifying the records or data for which protection is sought and stating the reason why protection is necessary. The exemption would also apply to documents prepared exclusively for the application review by the Committee, its staff, or a reviewing entity conducting a scientific review at the request of the Committee. The closed meeting exemption would also be amended to include interviews of applicants by the Committee or a reviewing entity conducting a scientific review.

The bill contains technical amendments. [HB 2245](#) is identical to [SB 1371](#).

Status:

02/10/17 House: Impact statement from DPB (HB2245H1)

02/20/17 Senate: Reported from General Laws and Technology (14-Y 1-N)

02/21/17 Senate: Constitutional reading dispensed (39-Y 0-N)

02/22/17 Senate: Read third time

02/22/17 Senate: Passed Senate (39-Y 1-N)

HB2248 [Capital outlay plan; revises six-year plan for projects.](#)

Companion Bill: SB1045

Chief Patron: Jones

Summary:

Updates the six-year capital outlay plan for projects to be funded entirely or partially from general fund-supported resources.

Status:

02/24/17 House: Conference substitute printed 17105792D-H2
02/24/17 House: Passed by temporarily
02/24/17 House: Conference report agreed to by House (93-Y 0-N)
02/24/17 House: VOTE: ADOPTION (93-Y 0-N)
02/25/17 Senate: Conference report agreed to by Senate (40-Y 0-N)

HB2251 Virginia Retirement System; establishes an optional defined contribution retirement plan.

Chief Patron: Jones

Summary:

Requires the Virginia Retirement System (VRS) to establish an optional defined contribution retirement plan for state and local employees. Participation in the plan is in lieu of other retirement plans offered by VRS. Employees hired on or after July 1, 2019, shall make an irrevocable election whether to participate in the plan. A person who is employed on June 30, 2019, shall make an irrevocable election by October 31, 2019, to participate in the new retirement plan beginning January 1, 2020, in lieu of his retirement plan at the time. If such employee elects to participate in the new plan, his retirement plan at the time of election will be "frozen" and not increase because of compensation earned or years of service earned while participating in the new plan. Under the plan, the employer makes a mandatory contribution in the amount of 8.5 percent of the employee's compensation, and the employee contributes five percent of his compensation. The employer's contribution becomes fully vested upon the employee's completion of five years of continuous participation.

Status:

02/23/17 House: House acceded to request
02/23/17 House: Conferees appointed by House
02/23/17 House: Delegates: Jones, Massie, Torian
02/25/17 House: No further action taken
02/25/17 House: Failed to pass in House

HB2260 Higher educational institutions, baccalaureate public; to employ a full-time ombudsmen.

Chief Patron: Villanueva

Summary:

Requires each baccalaureate public institution of higher education in the Commonwealth to employ a full-time ombudsman to provide confidential and independent assistance to faculty, staff, and students in resolving complaints, conflicts, disputes, and other problems.

Status:

01/20/17 House: Referred to Committee on Education
01/23/17 House: Assigned Education sub: Higher Education
01/27/17 House: Impact statement from DPB (HB2260)
01/31/17 House: Subcommittee recommends laying on the table
02/07/17 House: Left in Education

HB2262 [Online Virginia Network Authority; established.](#)

Chief Patron: Cox

Summary:

Establishes the Online Virginia Network Authority (the Authority) as a political subdivision of the Commonwealth for the purpose of establishing the Online Virginia Network to coordinate the online delivery of courses that facilitate the completion of degrees at George Mason University and Old Dominion University. The bill requires the Authority to be governed by a 17-member board that consists of five members of the House of Delegates appointed by the Speaker of the House of Delegates, four members of the Senate appointed by the Senate Committee on Rules, three nonlegislative citizen members appointed by the Governor, one nonlegislative citizen member appointed by the board of visitors of George Mason University, one nonlegislative citizen member appointed by the board of visitors of Old Dominion University, the President of George Mason University, the President of Old Dominion University, and the Director of the State Council of Higher Education for Virginia. The bill sets forth several duties of the Authority and grants the Authority operational flexibility in the areas of procurement and information technology, provided that the Authority adopts and complies with certain policies.

Status:

02/23/17 Senate: Senators: Newman, Saslaw, Chase
02/24/17 C Amended by conference committee
02/24/17 Senate: Conference report agreed to by Senate (40-Y 0-N)
02/24/17 House: Conference report agreed to by House (95-Y 0-N)
02/24/17 House: VOTE: ADOPTION (95-Y 0-N)

HB2323 [Public employment; inquiries by state agencies and localities regarding criminal convictions.](#)

Companion Bill: SB1171

Chief Patron: Aird

Summary:

Prohibits state agencies from including on any employment application a question inquiring whether the prospective employee has ever been arrested or charged with, or convicted of, any crime, subject to certain exceptions. A prospective employee may not be asked if he has ever been convicted of any crime unless the inquiry takes place after the prospective employee has received a conditional offer of

employment, which offer may be withdrawn if the prospective employee has a conviction record that directly relates to the duties and responsibilities of the position. A prospective employee may not be asked if he has ever been arrested or charged with a crime unless the inquiry takes place after the prospective employee has received a conditional offer of employment, which offer may be withdrawn if (i) the prospective employee's criminal arrest or charge resulted in the prospective employee's conviction of a crime and (ii) the crime of which he was convicted directly relates to the duties and responsibilities of the position. The prohibition does not apply to applications for employment with law-enforcement agencies or certain positions designated as sensitive or in instances where a state agency is expressly permitted to inquire into an individual's criminal history for employment purposes pursuant to any provision of federal or state law. The bill also authorizes localities to prohibit such inquiries.

Status:

01/13/17 House: Referred to Committee on General Laws
01/17/17 House: Impact statement from DPB (HB2323)
01/23/17 House: Assigned GL sub: Subcommittee #4
01/31/17 House: Subcommittee failed to recommend reporting (2-Y 4-N)
02/08/17 House: Left in General Laws

HB2337 [Certificates of public need; creates a two-phase process.](#)

Chief Patron: O'Bannon

Summary:

Creates a two-phase process to sunset certificate of public need (COPN) requirements for many categories of medical care facilities and projects, with the requirement for a certificate of public need (i) for all medical care facilities other than nursing homes, rehabilitation hospitals and beds, imaging centers, organ or tissue transplant services, certain open heart surgery services, certain neonatal services, and certain medical care facilities located in a locality with a population density of at least 200 people per square mile as reported by the United States Bureau of the Census in the 2010 census report that is contiguous with at least one other locality with such population density, or has a population of at least 75,000 people repealed effective July 1, 2017, and (ii) imaging centers repealed effective January 1, 2018. The bill also creates a new permitting process for categories of facilities and projects exempted from the certificate of public need process that requires the Commissioner of Health to issue a permit but requires the Commissioner to condition a permit (a) on the agreement of the applicant to provide a specified level of care at a reduced rate to indigents, accept patients requiring specialized care, or facilitate the development and operation of primary medical care services in designated medically underserved areas of the applicant's service area and (b) on compliance of the applicant with quality of care standards. The bill also eliminates regional health planning agencies and makes numerous changes to the COPN process for facilities and projects that will still be subject to the requirement of a certificate. The bill contains technical amendments.

Status:

01/31/17 House: Committee substitute printed 17104734D-H1
01/31/17 House: Reported from Health, Welfare and Institutions with substitute (11-Y 10-N)
01/31/17 House: Referred to Committee on Appropriations

01/31/17 House: Assigned App. sub: Health & Human Resources
02/08/17 House: Left in Appropriations

HB2366 Virginia Public Procurement Act; requirements for use of construction management contracts.

Companion Bill: SB1129

Chief Patron: Albo

Summary:

Restricts the use of construction management procurements by public bodies, to include state public bodies, covered institutions as defined in the bill, and local public bodies, unless (i) the total estimated contract value is \$10 million or more, (ii) a written determination is provided stating that competitive sealed bidding is not practicable or fiscally advantageous, (iii) the contract is entered into prior to the schematic phase of design, (iv) prior alternative procurement method experience is not required as a prerequisite for an award, and (v) price is the critical basis for award of the contract. The bill provides that for projects where the total estimated contract value is not expected to exceed \$10 million, a public body may use competitive negotiation to procure construction on a construction management basis if the above requirements are met and the project is a complex project as defined in the bill. In addition, public bodies seeking to use construction management for projects where the total estimated contract value is not expected to exceed \$10 million must also obtain written approval from the local governing body for local public bodies or from the Director of the Department of General Services for state public bodies and covered institutions. The bill also requires all such public bodies and covered institutions to (i) post on the central electronic procurement website of the Department of General Services approved projects and approved procurement methods for construction at least 30 days prior to soliciting for design services for such construction projects and (ii) report no later than November 1 of each year to the Director of the Department of General Services information on all completed capital project in excess of \$2 million, (a) the project budget, (b) the actual project cost. (c) the expected timeline, (d) the actual completion time, and (e) any post-project issues. The bill provides that the Virginia Public Procurement Act (VPPA) still applies; provided however that in the event of any conflict by the VPPA or other provision of law with the new law on construction management and design-build, the latter shall control.

Status:

02/23/17 Senate: Senators: Ruff, DeSteph, Surovell
02/25/17 House: Conference substitute printed 17105860D-H3
02/25/17 Senate: Conference report agreed to by Senate (40-Y 0-N)
02/25/17 House: Conference report agreed to by House (95-Y 0-N)
02/25/17 House: VOTE: ADOPTION (95-Y 0-N)

HB2391 Personnel Management Information System; state agency positions designated as sensitive.

Companion Bill: SB1293

Chief Patron: Holcomb

Summary:

Requires each state agency to continue to record in the Personnel Management Information System (PMIS) positions that it has designated as sensitive to ensure that the Department of Human Resources Management has a list of all such positions. The bill clarifies who would be subject to a criminal background investigation in a sensitive position. The bill expands the definition of sensitive position to include those positions (i) responsible for the health, safety, and welfare of citizens or the protection of critical infrastructures; (ii) that have access to sensitive information, including access to Federal Tax Information in approved exchange agreements with the Internal Revenue Service or Social Security Administration; and (iii) that are otherwise required by state or federal law to be designated as sensitive. The bill contains an emergency clause. The bill is identical to [SB 1293](#).

Status:

02/20/17 House: Impact statement from DPB (HB2391ER)

02/20/17 House: Signed by Speaker

02/21/17 Senate: Signed by President

02/21/17 House: Enrolled Bill communicated to Governor on 2/21/17

02/21/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

HB2392 [Virginia Public Procurement Act; preferred procurement method for construction.](#)

Chief Patron: James

Summary:

Eliminates competitive sealed bidding as the preferred method for procuring construction.

Status:

01/18/17 House: Referred to Committee on General Laws

01/23/17 House: Assigned GL sub: Subcommittee #2

01/27/17 House: Impact statement from DPB (HB2392)

01/31/17 House: Subcommittee recommends striking from docket

02/02/17 House: Stricken from docket by General Laws

HB2401 [Virginia Freedom of Information Act; minutes of closed meetings required, audio recordings.](#)

Chief Patron: Morris

Summary:

Provides that a public body shall (i) take closed meeting minutes, (ii) also make an audio recording of the entirety of every meeting that is closed to the public, and (iii) use a means of recording that fully captures and can clearly reproduce all statements made during a closed meeting. The bill provides that

the minutes or recordings made shall not be subject to the disclosure provisions of FOIA.

Status:

01/18/17 House: Referred to Committee on General Laws
01/23/17 House: Assigned GL sub: Subcommittee #2
01/23/17 House: Impact statement from DPB (HB2401)
01/31/17 House: Subcommittee recommends laying on the table
02/08/17 House: Left in General Laws

HB2402 [Virginia Freedom of Information Act; willful violations, grounds for termination.](#)

Chief Patron: Morris

Summary:

Provides that if the court finds that any officer or employee of a public body (i) receives a request for records that was sent by a requester by certified mail, return receipt requested, and (ii) without legal excuse or justification, deliberately, willfully, and knowingly fails to make a response to such request, such officer or employee may be terminated for cause by his appointing authority or agency head.

Status:

02/07/17 House: VOTE: PASSAGE (67-Y 27-N)
02/08/17 Senate: Constitutional reading dispensed
02/08/17 Senate: Referred to Committee on General Laws and Technology
02/10/17 Senate: Assigned GL&T sub: #1
02/20/17 Senate: Failed to report (defeated) in General Laws and Technology (6-Y 7-N)

HB2420 [Virginia Public Procurement Act; small business and microbusiness procurement enhancement program.](#)

Companion Bill: SB1528

Chief Patron: Ward

Summary:

Codifies the Governor's Executive Order 20 (2014) establishing a statewide small business and microbusiness procurement enhancement program. The bill establishes a statewide goal of 42 percent of small and microbusiness utilization in all discretionary spending by state agencies in procurement orders, prime contracts, and subcontracts. In addition, the bill provides for (i) a set-aside for competition among all small businesses for state agency purchases up to \$100,000 for goods and nonprofessional services and up to \$50,000 for professional services and (ii) a set-aside for competition among microbusinesses for purchases under \$10,000.

Status:

01/19/17 House: Presented and ordered printed 17103911D
01/19/17 House: Referred to Committee on General Laws
01/23/17 House: Assigned GL sub: Subcommittee #2
01/31/17 House: Subcommittee recommends laying on the table
02/08/17 House: Left in General Laws

HB2426 Virginia Guaranteed Assistance Program; changes student eligibility, renewal, amount of grants.

Chief Patron: Sickles

Summary:

Changes the student eligibility criteria for Virginia Guaranteed Assistance Program grants by removing the requirement that the recipient be a dependent and by requiring the recipient to be enrolled full time. The bill places the following condition of renewal of Program grants: (i) no recipient shall receive a subsequent grant until he has satisfied the requirements to advance to the next class level; (ii) no recipient shall receive more than one year of support per class level for a maximum total of two years of support at an associate-degree-granting public institution of higher education or more than one year of support per class level for a maximum total of four years of support at a baccalaureate public institution of higher education; and (iii) no recipient shall receive more than a combined lifetime total of four years of support. The bill permits public institutions of higher education to use Program funds to provide larger awards to students in a higher class level or to students who enroll in 15 or more credit hours per semester. The provisions of the bill become effective beginning with the first-time entering freshman class of the fall 2018 academic year.

Status:

01/25/17 House: Referred to Committee on Appropriations
01/25/17 House: Assigned App. sub: Higher Education
01/26/17 House: Impact statement from DPB (HB2426)
01/30/17 House: Subcommittee recommends incorporating (HB2427-Cox)
02/01/17 House: Incorporated by Appropriations (HB2427-Cox)

HB2427 Virginia Guaranteed Assistance Program; changes to Program, Commonwealth Award grants.

Chief Patron: Cox

Summary:

Makes several changes to the Virginia Guaranteed Assistance Program (Program), including adding requirements that (i) each student eligible for the Program receive a grant from the institution's appropriations for undergraduate student financial assistance before Commonwealth Award grants are awarded to students with equivalent remaining need, (ii) each eligible student receive a Program grant in an amount greater than Commonwealth Award grants awarded to students with equivalent remaining need, (iii) each eligible student receive a Program grant in an amount greater than the grant of each

eligible student with equivalent remaining need in the next-lowest class level, and (iv) each Program grant be determined by a proportionate award schedule adopted by each institution and vary according to each student's remaining need and the total of tuition, fees, and other necessary charges, including books. This bill is identical to [SB 1527](#).

Status:

02/20/17 House: Bill text as passed House and Senate (HB2427ER)

02/20/17 House: Signed by Speaker

02/21/17 Senate: Signed by President

02/21/17 House: Enrolled Bill communicated to Governor on 2/21/17

02/21/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

HB2458 [Certificate of public need; reports.](#)

Companion Bill: SB1375

Chief Patron: Stolle

Summary:

Makes changes to the Medical Care Facilities Certificate of Public Need Program. The bill (i) removes specialized centers or clinics or that portion of a physician's office developed for the provision of lithotripsy, magnetic source imaging (MSI), or nuclear medicine imaging from the list of reviewable medical care facilities; (ii) provides that establishment of a medical care facility to replace an existing medical care facility with the same primary service area does not constitute a project; (iii) removes introduction into an existing medical care facility of any new lithotripsy, magnetic source imaging, or obstetrical service that the facility has never provided or has not provided in the previous 12 months and addition by an existing medical care facility of any medical equipment for the provision of lithotripsy and magnetic source imaging (MSI) from the definition of project; (iv) creates a new process for registration of projects exempted from the definition of project by the bill; (v) establishes an expedited 45-day review process for applicants for projects determined to be uncontested or to present limited health planning impacts; (vi) renames the State Medical Facilities Plan as the State Health Services Plan and establishes a State Health Services Plan Advisory Council to provide recommendations related to the content of the State Health Services Plan; (vii) clarifies the content of the application for a certificate; and (viii) reduces the timeline for a person to be made party to the case for good cause from 80 calendar days to four days following completion of the review and submission of recommendations related to an application.

The bill also (a) directs the Secretary of Health and Human Resources to review charity care services delivered throughout the Commonwealth and recommend changes to the definition of charity and to the types of charity care requirements imposed on various health care services and report to the Governor and the General Assembly by December 1, 2017; (b) directs the Secretary of Health and Human Resources to implement a system to ensure that data needed to evaluate whether an application for a certificate is consistent with the State Health Services Plan is timely and reliable, to make all public records pertaining to applications for certificates and the review process available in real-time in a searchable, digital format online, to make an inventory of capacity authorized by certificates of public need, both operational and not yet operational, available in a digital format online, and to make charity

care conditions, charity care compliance reporting status, and details on the exact amount of charity care provided or contributed and to whom it was provided or contributed available in a digital format online; (c) directs the Commissioner of Health to develop an analytical framework to guide the work of the State Health Services Plan Advisory Council; and (d) directs the Joint Commission on Health Care to develop specific recommendations for eliminating differences in the certificate of public need review process from one region to another and report on the recommendations to the Chairmen of the House Health, Welfare and Institutions and Senate Education and Health Committees by December 1, 2017.

Status:

01/31/17 House: Committee substitute printed 17104600D-H1
01/31/17 House: Reported from Health, Welfare and Institutions with substitute (14-Y 8-N)
01/31/17 House: Referred to Committee on Appropriations
01/31/17 House: Assigned App. sub: Health & Human Resources
02/08/17 House: Left in Appropriations

HJ585 [Study; State Council of Higher Ed; rates of in-state and out-of-state undergraduate admissions.](#)

Chief Patron: Rasoul

Summary:

Requests the State Council of Higher Education for Virginia to study rates of in-state and out-of-state undergraduate student admissions and enrollment at public institutions of higher education in the Commonwealth and in each other state and to report its findings to the General Assembly no later than the first day of the 2018 Regular Session of the General Assembly.

Status:

01/04/17 House: Prefiled and ordered printed; offered 01/11/17 17100285D
01/04/17 House: Referred to Committee on Rules
01/12/17 House: Assigned Rules sub: Studies
01/26/17 House: Tabled in Rules

HJ611 [Study; State Council of Higher Ed. for Va; applied baccalaureate degrees at community colleges.](#)

Companion Bill: SJ254

Chief Patron: Marshall, D.W.

Summary:

Requests that the State Council of Higher Education for Virginia study the feasibility and benefits of comprehensive community colleges offering applied baccalaureate degrees by analyzing and making recommendations on (i) the affordability of obtaining an applied baccalaureate degree at a comprehensive community college as compared to a baccalaureate public institution of higher education,

including the extent to which obtaining an applied baccalaureate degree at a comprehensive community college would reduce college debt; (ii) the feasibility and benefits of higher education centers on comprehensive community college campuses; (iii) the feasibility and benefits of joint degree programs between comprehensive community colleges and baccalaureate public institutions of higher education that are offered on community college campuses; (iv) the feasibility and benefits of offering applied baccalaureate degrees in engineering and information technology at Danville Community College and Patrick Henry Community College; (v) applied baccalaureate degrees that could be offered at Danville Community College, Patrick Henry Community College, or other comprehensive community colleges in addition to applied baccalaureate degrees in engineering and information technology; and (vi) options for residents in rural parts of the Commonwealth to earn applied baccalaureate degrees.

Status:

01/06/17 House: Prefiled and ordered printed; offered 01/11/17 17102520D

01/06/17 House: Referred to Committee on Rules

01/12/17 House: Assigned Rules sub: Studies

01/26/17 House: Tabled in Rules

HJ684 [Commending Robert C. Vaughan III.](#)

Chief Patron: Toscano

Summary:

Status:

01/11/17 House: Engrossed by House

01/11/17 House: Agreed to by House by voice vote

01/11/17 Senate: Received

01/11/17 Senate: Laid on Clerk's Desk

01/12/17 Senate: Agreed to by Senate by voice vote

SB803 [Executive budget; zero-based budgeting principles.](#)

Chief Patron: Sturtevant

Summary:

Requires, beginning in the 2018-2020 biennium, that "The Executive Budget" and all "Executive Budgets" shall be prepared and formulated using zero-based budgeting principles. The bill requires that such zero-based budgets reflect the amount of funding deemed necessary to achieve the most cost-effective performance of each agency or department pursuant to an accompanying narrative delineating the tasks to be performed by each agency or department, together with the goals and objectives for each agency or department. Each such budget shall have a zero dollar amount as its initial basis and shall not reflect any prior appropriation amount, adjusted or otherwise.

Status:

10/10/16 Senate: Referred to Committee on General Laws and Technology
01/16/17 Senate: Impact statement from DPB (SB803)
01/16/17 Senate: Reported from General Laws and Technology (12-Y 1-N 1-A)
01/16/17 Senate: Rereferred to Finance
01/24/17 Senate: Passed by indefinitely in Finance (16-Y 0-N)

SB834 **Governor; efficiency and effectiveness review and assessment of state departments, agencies, etc.**

Chief Patron: Sturtevant

Summary:

Directs the Governor to establish an ongoing operational and programmatic efficiency and effectiveness review and assessment of all state departments, agencies, and programs to coincide with alternating biennial state budget cycles. The bill schedules one-half of all state departments, agencies, and programs to be reviewed in each biennial budget cycle. The purpose of the review and assessment is to provide an objective and independent cost savings assessment of the Commonwealth's organizational structure and its programs in order to provide information to the Governor and the General Assembly to effect savings in expenditures, a reduction in duplication of effort, and programmatic efficiencies in the operation of state government. The bill requires that the review and assessment be conducted by a United States-based private management consulting firm with experience in conducting statewide performance reviews and provides for certain required terms for the consulting contract. The bill requires the Governor to submit a report to the General Assembly on the results of each review and assessment by December 1 of the year in which such review is conducted.

Status:

11/15/16 Senate: Referred to Committee on General Laws and Technology
01/16/17 Senate: Reported from General Laws and Technology (14-Y 0-N)
01/16/17 Senate: Rereferred to Finance
01/18/17 Senate: Impact statement from DPB (SB834)
01/24/17 Senate: Passed by indefinitely in Finance (16-Y 0-N)

SB900 **Budget Bill.**

Companion Bill: HB1500

Chief Patron: Norment

Summary:

Amends Chapter 780, 2016 Acts of Assembly.

Status:

02/09/17 Senate: Passed Senate (40-Y 0-N)
02/13/17 House: Placed on Calendar

02/13/17 House: Read first time
02/13/17 House: Referred to Committee on Appropriations
02/21/17 House: Left in Appropriations

SB907 [Governing boards of public institutions of higher education; leadership; residency.](#)

Companion Bill: HB1402

Chief Patron: Surovell

Summary:

Requires the president of the board of visitors of Virginia Military Institute and each chairman or vice-chairman or rector or vice-rector of the governing board of each other public institution of higher education to be a resident of the Commonwealth.

Status:

02/24/17 Senate: Conference substitute printed 17105797D-S2
02/24/17 Senate: Passed by temporarily
02/24/17 Senate: Conference report agreed to by Senate (35-Y 5-N)
02/24/17 House: Conference report agreed to by House (57-Y 37-N)
02/24/17 House: VOTE: ADOPTION (57-Y 37-N)

SB914 [Reduction of amount of lien for medical services paid for by the Commonwealth.](#)

Chief Patron: Edwards

Summary:

Provides that in the event that the Commonwealth's lien against any recovery from a third party obtained by an injured person whose medical costs were paid in whole or in part by the Commonwealth is compromised by the Attorney General pursuant to § 2.2-514, such lien shall be reduced by an amount proportionate to the amount that costs, expenses, and attorney fees incurred by the injured person bear to the total recovery obtained from the third party.

Status:

12/27/16 Senate: Prefiled and ordered printed; offered 01/11/17 17100353D
12/27/16 Senate: Referred to Committee for Courts of Justice
01/20/17 Senate: Impact statement from DPB (SB914)
02/01/17 Senate: Committee substitute printed to LIS only 17104767D-S1
02/01/17 Senate: Failed to report (defeated) in Courts of Justice (6-Y 6-N 1-A)

SB931 [Va Freedom of Information Act; working papers and correspondence exempt.for presidents of higher ed.](#)

Chief Patron: Petersen

Summary:

Eliminates the working papers and correspondence record exemption for the president or other chief executive officer of any public institution of higher education in Virginia. The bill contains a technical amendment.

Status:

12/27/16 Senate: Prefiled and ordered printed; offered 01/11/17 17102927D

12/27/16 Senate: Referred to Committee on General Laws and Technology

01/17/17 Senate: Assigned GL&T sub: #1

01/23/17 Senate: Failed to report (defeated) in General Laws and Technology (6-Y 7-N)

SB952 [False statements to members of the General Assembly; state employees and appointees.](#)

Chief Patron: DeSteph

Summary:

Provides that any state employee or person serving in an appointed position who knowingly and willfully makes any materially false statement or representation to a member of the General Assembly who is in the course of conducting an inquiry or investigation in his official capacity or on behalf of any committee or subcommittee of the Senate or House of Delegates is guilty of a Class 1 misdemeanor. The bill defines "state employee" and "appointed position."

Status:

12/31/16 Senate: Prefiled and ordered printed; offered 01/11/17 17102019D

12/31/16 Senate: Referred to Committee on Rules

01/10/17 Senate: Impact statement from DPB (SB952)

02/02/17 Senate: Passed by indefinitely in Rules (13-Y 1-N)

SB955 [Certain educational institutions; designation of governing boards.](#)

Chief Patron: DeSteph

Summary:

Renames as boards of trustees the boards of visitors of certain educational institutions in the Commonwealth, including baccalaureate public institutions of higher education.

Status:

01/02/17 Senate: Referred to Committee on Education and Health
01/13/17 Senate: Impact statement from DPB (SB955)
01/19/17 Senate: Rereferred from Education and Health (15-Y 0-N)
01/19/17 Senate: Rereferred to Finance
01/25/17 Senate: Passed by indefinitely in Finance (16-Y 0-N)

SB972 [Requests for information by members of the General Assembly; responses not subject to redaction.](#)

Chief Patron: DeSteph

Summary:

Requires all departments, agencies, and institutions of the Commonwealth and staff and employees thereof to respond to a request for information made by a member of the General Assembly. The bill further provides that notwithstanding the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), a response to a request for information made by a member of the General Assembly shall not be subject to redaction.

Status:

01/03/17 Senate: Prefiled and ordered printed; offered 01/11/17 17100582D
01/03/17 Senate: Referred to Committee on Rules
01/26/17 Senate: Impact statement from DPB (SB972)
02/02/17 Senate: Committee substitute printed to LIS only 17104234D-S1
02/02/17 Senate: Passed by indefinitely in Rules with letter (11-Y 3-N)

SB985 [Higher education; in-state tuition.](#)

Chief Patron: DeSteph

Summary:

Prohibits any percentage increase in in-state tuition or instructional fees for undergraduate students at Virginia's public institutions of higher education that exceeds the annual percentage increase, as determined by the State Council of Higher Education for Virginia, in the Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the U.S. Department of Labor, from January 1 through December 31 of the year immediately preceding the affected year.

Status:

01/03/17 Senate: Referred to Committee on Education and Health
01/19/17 Senate: Rereferred from Education and Health (15-Y 0-N)
01/19/17 Senate: Rereferred to Finance
01/24/17 Senate: Impact statement from DPB (SB985)
01/25/17 Senate: Passed by indefinitely in Finance (16-Y 0-N)

SB986 [Higher education; in-state tuition.](#)

Chief Patron: DeSteph

Summary:

Prohibits any percentage increase in in-state tuition or instructional fees for undergraduate students at Virginia's public institutions of higher education that exceeds the annual percentage increase, as determined by the State Council of Higher Education for Virginia, in the national average wage index as defined in § 209(k)(1) of the Social Security Act, 42 U.S.C. 409(k)(1), of the calendar year immediately preceding the affected year.

Status:

01/03/17 Senate: Referred to Committee on Education and Health
01/19/17 Senate: Rereferred from Education and Health (15-Y 0-N)
01/19/17 Senate: Rereferred to Finance
01/24/17 Senate: Impact statement from DPB (SB986)
01/25/17 Senate: Passed by indefinitely in Finance (16-Y 0-N)

SB987 [Higher education; in-state tuition.](#)

Chief Patron: DeSteph

Summary:

Prohibits any percentage increase in in-state tuition or instructional fees for undergraduate students at Virginia's public institutions of higher education that exceeds the annual percentage increase, as determined by the State Council of Higher Education for Virginia, of the median household income in the Commonwealth established by the U.S. Department of Housing and Urban Development, of the calendar year immediately preceding the affected year.

Status:

01/03/17 Senate: Referred to Committee on Education and Health
01/19/17 Senate: Rereferred from Education and Health (15-Y 0-N)
01/19/17 Senate: Rereferred to Finance
01/24/17 Senate: Impact statement from DPB (SB987)
01/25/17 Senate: Passed by indefinitely in Finance (16-Y 0-N)

SB1036 [Virginia Student Loan Refinancing Authority; refinancing loan guaranty program.](#)

Companion Bill: HB1895

Chief Patron: Howell

Summary:

Establishes the Virginia Student Loan Refinancing Authority (the Authority), to be governed by a 10-member board, for the purpose of developing and implementing a program by which the Authority may guarantee the obligations of an individual who incurred qualified education loan debt as a Virginia student at an institution of higher education in the Commonwealth under loans that refinance such education loan debt. The Authority is authorized to issue bonds to finance its obligations under such loan guarantees.

Status:

01/04/17 Senate: Prefiled and ordered printed; offered 01/11/17 17101926D
01/04/17 Senate: Referred to Committee on Education and Health
01/23/17 Senate: Assigned Education sub: Higher Education
01/26/17 Senate: Passed by indefinitely in Education and Health with letter (15-Y 0-N)

SB1045 [Capital outlay plan.](#)

Companion Bill: HB2248

Chief Patron: Hanger

Summary:

Updates the six-year capital outlay plan for projects to be funded entirely or partially from general fund-supported resources.

Status:

02/24/17 C Amended by conference committee
02/24/17 Senate: Conference substitute printed 17105813D-S1
02/24/17 House: Conference report agreed to by House (93-Y 0-N)
02/24/17 House: VOTE: ADOPTION (93-Y 0-N)
02/25/17 Senate: Conference report agreed to by Senate (40-Y 0-N)

SB1087 [Higher education; in-state tuition.](#)

Chief Patron: Sturtevant

Summary:

Prohibits, without the prior statutory approval of the General Assembly, any percentage increase in in-state tuition or instructional fees for undergraduate students at Virginia's public institutions of higher education that exceeds twice the annual percentage increase, as determined by the State Council of Higher Education for Virginia, in the Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the U.S. Department of Labor, from January 1 through December 31 of the year immediately preceding the affected year.

Status:

01/06/17 Senate: Referred to Committee on Education and Health
01/19/17 Senate: Rereferred from Education and Health (15-Y 0-N)
01/19/17 Senate: Rereferred to Finance
01/24/17 Senate: Impact statement from DPB (SB1087)
01/25/17 Senate: Passed by indefinitely in Finance (16-Y 0-N)

SB1088 [Higher educational institutions, public; fixed four-year tuition rate.](#)

Chief Patron: Sturtevant

Summary:

Requires the governing boards of baccalaureate public institutions of higher education to annually establish an in-state tuition rate class cap that identifies the annual amount that the cost of in-state tuition will not exceed for each of the following four years. The bill prohibits the cost of in-state tuition from exceeding the class rate cap for an in-state student in the relevant class.

Status:

01/06/17 Senate: Referred to Committee on Education and Health
01/19/17 Senate: Rereferred from Education and Health (15-Y 0-N)
01/19/17 Senate: Rereferred to Finance
01/24/17 Senate: Impact statement from DPB (SB1088)
01/25/17 Senate: Passed by indefinitely in Finance (16-Y 0-N)

SB1103 [FOIA; closed meeting violations, civil penalty.](#)

Chief Patron: Surovell

Summary:

Provides that in addition to any penalties imposed under FOIA, if the court finds that a member of a public body voted to certify a closed meeting and at the time of such certification such certification constituted a departure from the requirements of FOIA, the court shall impose on all members voting to certify in their individual capacity, whether or not a writ of mandamus or injunctive relief is awarded, a civil penalty of \$500 each, which amount shall be paid into the State Literary Fund.

Status:

01/07/17 Senate: Prefiled and ordered printed; offered 01/11/17 17100867D
01/07/17 Senate: Referred to Committee on General Laws and Technology
01/17/17 Senate: Assigned GL&T sub: #1
01/27/17 Senate: Impact statement from DPB (SB1103)
02/08/17 Senate: Left in General Laws and Technology

SB1128 [FOIA; failure to respond to request for records, rebuttable presumption.](#)

Chief Patron: DeSteph

Summary:

Provides that there shall be a rebuttable presumption that a failure to respond to a request for records was willful and knowing.

Status:

02/03/17 Senate: Passed by for the day

02/06/17 Senate: Passed by for the day

02/07/17 Senate: Passed by for the day

02/25/17 Senate: No further action taken

02/25/17 Senate: Failed to pass in Senate

SB1129 [Virginia Public Procurement Act; requirements for use of construction management contracts.](#)

Companion Bill: HB2366

Chief Patron: Ruff

Summary:

Establishes a statewide policy for governmental procurement of construction management and design-build contracting procurement methods. The bill restricts the use of construction management and design-build contracting procurements by public bodies to projects with an estimated project cost that is expected to be greater than \$25 million but may be used when the estimated project cost is expected to be less than \$25 million, provided that the project is a complex project that has been approved in writing by the Department of General Services for state public bodies, the contact officer for covered institutions of higher education, and the local governing body for local public bodies. Additional requirements for the use of construction management and design-build contracting procurements include the following: (i) a written determination must be provided stating that competitive sealed bidding is not practical or fiscally advantageous, (ii) a public notice of the Request for Qualifications must be posted on the Department of General Services' central electronic procurement website at least 30 days prior to the date set for receipt of qualification proposals, (iii) the contract must be entered into prior to the schematic phase of design, (iv) prior alternative procurement method experience cannot be required as a prerequisite for an award, (v) procedures must allow for a two-step competitive negotiation process, and (vi) price must be a critical basis for award of the contract. In addition, the bill requires that construction management contracts provide that no more than 10 percent of the construction work be performed by the construction manager and that the remaining construction work be performed by subcontractors. The bill establishes a procedure to appeal a public body's determination to procure construction on a construction management or design-build basis when the estimated project cost is expected to be less than \$25 million. For determinations made by state public bodies, the appeal is made to the Department of General Services, for covered institutions the appeal is made to the contracting officer of the institution, and for local public bodies, the appeal is made to the chief executive officer of the locality. The bill also defines "complex project" and "covered institution" and contains reporting requirements regarding the use of construction management and design-build contracting procurements by all public bodies.

Status:

02/25/17 C Amended by conference committee
02/25/17 Senate: Conference substitute printed 17105865D-S2
02/25/17 Senate: Conference report agreed to by Senate (39-Y 0-N)
02/25/17 House: Conference report agreed to by House (95-Y 0-N)
02/25/17 House: VOTE: ADOPTION (95-Y 0-N)

SB1141 [Certificate of public need; psychiatric beds and services.](#)

Companion Bill: HB1420

Chief Patron: Sturtevant

Summary:

Repeals the requirement for a certificate of public need for certain projects involving mental hospitals or psychiatric hospitals and intermediate care facilities established primarily for the medical, psychiatric, or psychological treatment and rehabilitation of individuals with substance abuse. The bill creates a new permitting process for such projects, exempted from the certificate of public need process, that requires the Commissioner of Health to issue a permit upon the agreement of the applicant to certain charity care conditions and quality of care standards.

Status:

01/09/17 Senate: Prefiled and ordered printed; offered 01/11/17 17103667D
01/09/17 Senate: Referred to Committee on Education and Health
01/24/17 Senate: Assigned Education sub: Certificate of Public Need (COPN)
01/26/17 Senate: Impact statement from VDH (SB1141)
02/02/17 Senate: Passed by indefinitely in Education and Health (15-Y 0-N)

SB1146 [Jail inmates; costs of medical treatment.](#)

Chief Patron: DeSteph

Summary:

Provides that no sheriff or jail superintendent or locality is responsible for payment of the cost of medical treatment of an inmate's pre-existing condition. Under current law, the sheriff, jail superintendent, or locality is responsible for payment of the cost of medical treatment for such inmate's pre-existing condition if that condition is a communicable disease, serious medical need, or life-threatening condition. The bill provides that adequate medical treatment shall not be withheld due to an inmate's inability to pay.

Status:

01/09/17 Senate: Prefiled and ordered printed; offered 01/11/17 17101362D

01/09/17 Senate: Referred to Committee on Rehabilitation and Social Services

01/27/17 Senate: Passed by indefinitely in Rehabilitation and Social Services (15-Y 0-N)

SB1171 Public employment; inquiries by state agencies and localities regarding criminal convictions.

Companion Bill: HB2323

Chief Patron: Dance

Summary:

Prohibits state agencies from including on any employment application a question inquiring whether the prospective employee has ever been arrested or charged with, or convicted of, any crime, subject to certain exceptions. A prospective employee may not be asked if he has ever been convicted of any crime unless the inquiry takes place after the prospective employee has received a conditional offer of employment, which offer may be withdrawn if the prospective employee has a conviction record that directly relates to the duties and responsibilities of the position. A prospective employee may not be asked if he has ever been arrested or charged with a crime unless the inquiry takes place after the prospective employee has received a conditional offer of employment, which offer may be withdrawn if (i) the prospective employee's criminal arrest or charge resulted in the prospective employee's conviction of a crime and (ii) the crime of which he was convicted directly relates to the duties and responsibilities of the position. The prohibition does not apply to applications for employment with law-enforcement agencies or certain positions designated as sensitive or in instances where a state agency is expressly permitted to inquire into an individual's criminal history for employment purposes pursuant to any provision of federal or state law. The bill also authorizes localities to prohibit such inquiries.

Status:

01/31/17 House: Placed on Calendar

01/31/17 House: Read first time

01/31/17 House: Referred to Committee on General Laws

02/06/17 House: Assigned GL sub: Subcommittee #4

02/21/17 House: Left in General Laws

SB1228 Va. Fair Housing Law; responsibilities with respect to use of an assistance animal in a dwelling.

Companion Bill: HB2006

Chief Patron: Barker

Summary:

Sets out the rights and responsibilities under the Virginia Fair Housing Law (§ 36-96.1 et seq.) with respect to maintaining an assistance animal in a dwelling. The bill establishes a process through which a person with a disability may submit a request for a reasonable accommodation to maintain an assistance

animal in a dwelling, including any supporting documentation verifying the disability and disability-related need for an accommodation. Under the bill, a request for reasonable accommodation to maintain an assistance animal may be denied for any one of the following reasons: (i) the request is not reasonable because it constitutes an undue financial and administrative burden as determined on a case-by-case basis; (ii) the requester does not have a disability; (iii) the requester does not have a disability-related need for an assistance animal; (iv) the supporting documentation does not state certain specified information regarding task, service, or support performed by the assistance animal; (v) the requested assistance animal poses a direct threat to the health or safety of others or the property of others; or (vi) the insurance carrier for the owner of the dwelling would take certain adverse action based on the presence of the assistance animal. The bill provides that whenever a request for a reasonable accommodation to maintain an assistance animal in a dwelling is denied for reasons other than that the requester does not have a disability or a disability-related need for an assistance animal, an interactive process shall be initiated to determine if there is an alternative accommodation that would effectively address the disability-related need. The bill removes language providing that the terms "individual with a handicap" and the term "handicap" do not apply to an individual solely because that individual is a transvestite. The bill also defines "assistance animal," "major life activities," and "physical or mental impairment." As introduced, the bill is a recommendation of the Virginia Housing Commission.

Status:

02/23/17 House: Delegates: Carr, Peace, Helsel
02/24/17 Senate: Conference report agreed to by Senate (40-Y 0-N)
02/24/17 Senate: Conference substitute printed 17105773D-S2
02/24/17 House: Conference report agreed to by House (92-Y 0-N)
02/24/17 House: VOTE: ADOPTION (92-Y 0-N)

SB1230 [Opiate prescriptions; electronic prescriptions.](#)

Companion Bill: HB2165

Chief Patron: Dunnivant

Summary:

Requires a prescription for any controlled substance containing an opiate to be issued as an electronic prescription and prohibits a pharmacist from dispensing a controlled substance that contains an opiate unless the prescription is issued as an electronic prescription, beginning July 1, 2020. The bill defines electronic prescription as a written prescription that is generated on an electronic application in accordance with federal regulations and is transmitted to a pharmacy as an electronic data file. The bill requires the Secretary of Health and Human Resources to convene a work group of interested stakeholders to review actions necessary for the implementation of the bill's provisions and to evaluate hardships on prescribers and the inability of prescribers to comply with the deadline for electronic prescribing, and to make recommendations for any extension or exemption processes relative to compliance or disruptions due to natural or manmade disasters or technology gaps, failures or interruptions of services. The work group shall report on the work group's progress to the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health by November 1, 2017 and a final report to such Chairmen by November 1, 2018.

Status:

02/20/17 Senate: Impact statement from DPB (SB1230ER)
02/20/17 House: Signed by Speaker
02/21/17 Senate: Signed by President
02/21/17 House: Enrolled Bill communicated to Governor on 2/21/17
02/21/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

SB1232 [Opioids; limit on amount prescribed, extends sunset provision.](#)

Companion Bill: HB1885

Chief Patron: Dunnavant

Summary:

Requires a prescriber registered with the Prescription Monitoring Program (the Program) to request information about a patient from the Program upon initiating a new course of treatment that includes the prescribing of opioids anticipated, at the onset of treatment, to last more than seven consecutive days and exempts the prescriber from this requirement if the opioid is prescribed as part of treatment for a surgical or invasive procedure and such prescription is for no more than 14 consecutive days. Current law requires a registered prescriber to request information about a patient from the Program upon initiating a new course of treatment that includes the prescribing of opioids anticipated, at the onset of treatment, to last more than 14 consecutive days and exempts the prescriber from this requirement if the opioid is prescribed as part of a course of treatment for a surgical or invasive procedure and such prescription is not refillable. The bill extends the sunset for this requirement from July 1, 2019, to July 1, 2022.

Status:

02/23/17 Senate: Senate concurred in Governor's recommendation (39-Y 0-N)
02/24/17 House: House concurred in Governor's recommendation (93-Y 0-N)
02/24/17 House: VOTE: ADOPTION (93-Y 0-N)
02/24/17 Senate: Reenrolled bill text (SB1232ER2)
02/24/17 Governor: Approved by Governor-Chapter 252 (effective 7/1/17)

SB1234 [Higher educational institutions, public; SCHEV to develop a passport credit program.](#)

Chief Patron: Dunnavant

Summary:

Requires the State Council of Higher Education for Virginia (Council) and each public institution of higher education to develop a passport credit program that will be offered at each associate-degree-granting public institution of higher education. Under the program, each passport credit course shall satisfy a lower division general education requirement at any public institution of higher education. The bill requires the Council to develop such program by July 1, 2020 and each associate-degree-granting

public institution of higher education to offer such program by the 2020-2021 academic year.

Status:

02/22/17 House: Engrossed by House - committee substitute SB1234H1

02/22/17 House: Passed House with substitute (100-Y 0-N)

02/22/17 House: VOTE: PASSAGE (100-Y 0-N)

02/23/17 Senate: House substitute agreed to by Senate (40-Y 0-N)

02/23/17 Senate: Title replaced 17105429D-H1

SB1282 [Wireless communications infrastructure; procedure for approved by localities.](#)

Companion Bill: HB2196

Chief Patron: McDougle

Summary:

Provides a uniform procedure for the way in which small cell facilities on existing structures are approved by localities and approved and installed in public rights-of-way. The measure includes provisions that establish requirements applicable to the location of micro-wireless facilities. The measure also addresses restrictions by localities and the Department of Transportation regarding the use of public rights-of-way or easements.

Status:

02/20/17 Senate: Bill text as passed Senate and House (SB1282ER)

02/20/17 House: Signed by Speaker

02/21/17 Senate: Signed by President

02/21/17 House: Enrolled Bill communicated to Governor on 2/21/17

02/21/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

SB1293 [State agencies; criminal background checks for certain positions.](#)

Companion Bill: HB2391

Chief Patron: McDougle

Summary:

Requires each state agency to continue to record in the Personnel Management Information System (PMIS) positions that it has designated as sensitive to ensure that the Department of Human Resources Management has a list of all such positions. The bill clarifies who would be subject to a criminal background investigation in a sensitive position. The bill expands the definition of sensitive position to include those positions (i) responsible for the health, safety, and welfare of citizens or the protection of critical infrastructures; (ii) that have access to sensitive information, including access to Federal Tax Information in approved exchange agreements with the Internal Revenue Service or Social Security

Administration; and (iii) that are otherwise required by state or federal law to be designated as sensitive. The bill contains an emergency clause. The bill is identical to [HB 2391](#).

Status:

02/22/17 Senate: Impact statement from DPB (SB1293ER)

02/22/17 Senate: Signed by President

02/22/17 House: Signed by Speaker

02/23/17 Senate: Enrolled Bill Communicated to Governor on 2/23/17

02/23/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

[SB1312 Conflicts of Interests Acts, State & Local Government & General Assembly, lobbyist, filing.](#)

Companion Bill: HB1854

Chief Patron: Norment

Summary:

Makes numerous changes to the laws governing lobbyist reporting, the conflict of interest acts, and the Virginia Conflict of Interest and Ethics Advisory Council (the Council), including (i) allowing the Secretary of the Commonwealth to suspend any penalty that could be assessed against a lobbyist's principal for failing to file the required disclosure if such failure is beyond the control of the principal; (ii) clarifying the procedures for terminating the services of a lobbyist; (iii) requiring that lobbyist registration forms be filed electronically; (iv) eliminating the requirement that a lobbyist list the names, addresses, and telephone numbers of all other lobbyists representing the same principal; (v) creating a separate statement for a lobbyist's principal to waive the principal signature requirement on the lobbyist disclosure form; (vi) granting the clerk of the local governing body or school board the same power as the Council to redact from any disclosure form released to the public any residential address, personal telephone number, or signature; (vii) eliminating the minimum duration of the mandatory refresher ethics orientation session for General Assembly members; (viii) allowing written informal advice from the Council to confer immunity from prosecution upon individuals acting in accordance with such advice; (ix) clarifying the Council's authority to grant extensions from the filing deadline and imposing a \$250 civil penalty on agency heads or local clerks who fail to provide the disclosure forms to filers in a timely manner; (x) requiring lobbyists to provide a report of gifts made during a regular session of the General Assembly no later than three weeks after adjournment to legislators and certain executive branch officials who are required to file a session gift report; and (xi) directing that candidates for statewide or constitutional office and the General Assembly are required to file a disclosure form with the State Board of Elections and not the Council. The bill also extends the filing deadline for disclosure forms from January 15 to February 1 and clarifies the reporting period covered by the disclosure forms. The bill eliminates events open to individuals who share a common interest from the definition of a "widely attended event," attendance at which is not subject to the gift cap. The bill also exempts from the definition of a "gift" (a) gifts from a person's child-in-law; (b) gifts related to a person's volunteer service; (c) meals provided for attendance at an official meeting of the Commonwealth, its political subdivisions, or certain other entities; (d) gifts given on a special occasion by an individual in a bona fide personal relationship with the donee; and (e) attendance at a reception or similar function. The bill also exempts members of the judiciary from certain provisions governing prohibited gifts and prohibited

personal interests in a transaction where such members are already subject to similar or greater prohibitions under the Canons of Judicial Conduct for the State of Virginia. The bill also clarifies that a legislator may have a personal interest in a contract with a government agency, not including a legislative branch agency, when the Virginia Public Procurement Act allows the award of such contract without competition. The bill further clarifies the exceptions that allow state and local officers and employees who have a personal interest in a transaction to participate in the transaction. Finally, the bill contains technical amendments. The bill contains an emergency clause that applies to the changes described in clauses (x) and (xi).

Status:

02/23/17 House: Delegates: Gilbert, Minchew, James
02/25/17 C Amended by conference committee
02/25/17 Senate: Conference report agreed to by Senate (38-Y 1-N)
02/25/17 House: Conference report agreed to by House (93-Y 0-N)
02/25/17 House: VOTE: ADOPTION EMERGENCY (93-Y 0-N)

SB1321 [Ophthalmic prescriptions; definitions, who may provide prescriptions, requirements.](#)

Companion Bill: HB1497

Chief Patron: Carrico

Summary:

Requires, for ophthalmic prescriptions written on or after July 1, 2017, that an ophthalmologist or optometrist establish a bona fide provider-patient relationship with a patient prior to prescribing spectacles, eyeglasses, lenses, or contact lenses, and sets out requirements for establishing such relationship, which includes options for examination of the patient either in person or through face-to-face interactive, two-way, real-time communication or store-and-forward technologies. This bill is identical to [HB 1497](#).

Status:

02/15/17 House: Signed by Speaker
02/17/17 Senate: Signed by President
02/17/17 Senate: Enrolled Bill Communicated to Governor on 2/17/17
02/17/17 Governor: Governor's Action Deadline Midnight, February 24, 2017
02/23/17 Governor: Approved by Governor-Chapter 184 (effective 7/1/17)

SB1341 [Government records; digital certification.](#)

Chief Patron: Surovell

Summary:

Provides for the Secretary of the Commonwealth, in cooperation with the Virginia Information

Technologies Agency to develop standards for the use of digital signatures the authentication of digital records by state agencies. The bill further provides that state agencies may provide copies of digital records, via a website or upon request and may charge a fee of \$5 for each digitally certified copy of a record. Any digitally certified record submitted to a court in the Commonwealth shall be deemed to be authenticated by the custodian of the record.

Status:

02/21/17 House: Engrossed by House - committee substitute SB1341H1
02/21/17 House: Passed House with substitute BLOCK VOTE (98-Y 0-N)
02/21/17 House: VOTE: BLOCK VOTE PASSAGE (98-Y 0-N)
02/22/17 Senate: House substitute agreed to by Senate (40-Y 0-N)
02/22/17 Senate: Title replaced 17105529D-H1

SB1353 [Higher educational institutions; primary duties of members of governing boards.](#)

Chief Patron: DeSteph

Summary:

Provides that the primary duty of any member of a governing board of a public institution of higher education is to the Commonwealth. The bill requires that the educational programs for the governing boards of public institutions of higher education, developed by the State Council of Higher Education for Virginia, shall include presentations on such primary duty.

Status:

01/17/17 Senate: Impact statement from DPB (SB1353)
01/23/17 Senate: Assigned Education sub: Higher Education
01/26/17 Senate: Reported from Education and Health (11-Y 4-N)
01/26/17 Senate: Rereferred to Finance
02/01/17 Senate: Passed by indefinitely in Finance (15-Y 0-N)

SB1371 [Virginia Research Investment Committee; expands role of Committee.](#)

Companion Bill: HB2245

Chief Patron: Saslaw

Summary:

Expands the role of the Virginia Research Investment Committee (the Committee) to include, in addition to awarding grants and loans from the Virginia Research Investment Fund, providing guidance and coordination in the use of public funds to support research and commercialization efforts throughout the Commonwealth. Effective January 1, 2018, the bill moves responsibility for the development of the Commonwealth Research and Technology Strategic Roadmap (the Roadmap) from the Center for Innovative Technology to the State Council of Higher Education for Virginia (the Council), which shall

submit the plan to the Committee for approval. The Council would consult with public institutions of higher education, make recommendations on the industry sectors in which the Commonwealth should focus its research and development efforts, and establish a process for maintaining an inventory of the Commonwealth's current research and development efforts. The Roadmap would be used to determine areas of focus for awards from the Virginia Research Investment Fund and the Commonwealth Research Commercialization Fund.

The bill also clarifies that the exemption from mandatory disclosure of records under the Freedom of Information Act by applicants for grants and loans from the Committee applies to certain financial records, trade secrets, and research-related information. The bill requires an applicant seeking to invoke the protections of the exemption to submit a written request to the Committee identifying the records or data for which protection is sought and stating the reason why protection is necessary. The exemption would also apply to documents prepared exclusively for the application review by the Committee, its staff, or a reviewing entity conducting a scientific review at the request of the Committee. The closed meeting exemption would also be amended to include interviews of applicants by the Committee or a reviewing entity conducting a scientific review.

The bill contains technical amendments. [SB 1371](#) is identical to [HB 2245](#).

Status:

02/22/17 Senate: Impact statement from DPB (SB1371ER)

02/22/17 Senate: Signed by President

02/22/17 House: Signed by Speaker

02/23/17 Senate: Enrolled Bill Communicated to Governor on 2/23/17

02/23/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

[SB1375 Certificate of Public Need program; established, changes to MCFCPN program, report.](#)

Companion Bill: HB2458

Chief Patron: Cosgrove

Summary:

Makes changes to the Medical Care Facilities Certificate of Public Need program. The bill (i) removes specialized centers or clinics or that portion of a physician's office developed for the provision of lithotripsy, magnetic source imaging (MSI), or nuclear medicine imaging from the list of reviewable medical care facilities; (ii) provides that establishment of a medical care facility to replace an existing medical care facility with the same primary service area does not constitute a project; (iii) removes introduction into an existing medical care facility of any new lithotripsy, MSI, or obstetrical service that the facility has never provided or has not provided in the previous 12 months and addition by an existing medical care facility of any medical equipment for the provision of lithotripsy and MSI from the definition of project; (iv) creates a new process for registration of projects exempted from the definition of project by the bill; (v) establishes an expedited 45-day review process for applicants for projects determined to be uncontested or to present limited health planning impacts; (vi) renames the State Medical Facilities Plan as the State Health Services Plan and establishes a State Health Services Plan

Advisory Council to provide recommendations related to the content of the State Health Services Plan; (vii) clarifies the content of the application for a certificate; and (viii) reduces the timeline for a person to be made party to the case for good cause from 80 calendar days to four days following completion of the review and submission of recommendations related to an application.

The bill also (a) directs the Department to develop recommendations to reduce the duration of the average review cycle for applications for certificates of public need to not more than 120 days and to report on its recommendations to the Governor and the General Assembly no later than December 1, 2017; (b) directs the Secretary of Health and Human Resources to review charity care services delivered throughout the Commonwealth and recommend changes to the definition of charity and to the types of charity care requirements imposed on various health care services and report to the Governor and the General Assembly by December 1, 2017; (c) directs the Secretary of Health and Human Resources to convene a group of stakeholders to study and make recommendations related to the appropriate authority of the State Health Commissioner to impose additional conditions on certificates; (d) directs the Secretary of Health and Human Resources to implement a system to ensure that data needed to evaluate whether an application for a certificate is consistent with the State Health Services Plan is timely and reliable, to make all public records pertaining to applications for certificates and the review process available in real time in a searchable, digital format online, to make an inventory of capacity authorized by certificates of public need, both operational and not yet operational, available in a digital format online, and to make charity care conditions, charity care compliance reporting status, and details on the exact amount of charity care provided or contributed and to whom it was provided or contributed available in a digital format online; (e) directs the Commissioner of Health to develop an analytical framework to guide the work of the State Health Services Plan Advisory Council; and (f) directs the Joint Commission on Health Care to develop specific recommendations for eliminating differences in the certificate of public need review process from one region to another and report on the recommendations to the Chairmen of the House Committee on Health, Welfare and Institutions and Senate Committee on Education and Health by December 1, 2017.

Status:

01/11/17 Senate: Prefiled and ordered printed; offered 01/11/17 17100641D

01/11/17 Senate: Referred to Committee on Education and Health

01/24/17 Senate: Assigned Education sub: Certificate of Public Need (COPN)

01/27/17 Senate: Impact statement from VDH (SB1375)

02/02/17 Senate: Stricken at request of patron in Education and Health (15-Y 0-N)

SB1376 [Higher educational institutions; public notice of proposed undergraduate tuition increase.](#)

Chief Patron: Petersen

Summary:

Prohibits the governing board of a public institution of higher education from approving an increase in undergraduate tuition or mandatory fees without first providing students and the public a projected range of the proposed increase, an explanation of the need for the increase, and notice of the date and location of any vote on the increase at least 30 days prior to such vote.

Status:

02/22/17 House: Committee amendments agreed to
02/22/17 House: Engrossed by House as amended
02/22/17 House: Passed House with amendments (99-Y 0-N)
02/22/17 House: VOTE: PASSAGE (99-Y 0-N)
02/23/17 Senate: House amendments agreed to by Senate (40-Y 0-N)

SB1379 [Higher educational institutions; governing board to implement a plan to reduce in-state tuition.](#)

Chief Patron: Petersen

Summary:

Requires the governing board of a public institution of higher education to implement a plan to reduce in-state tuition over the next five years if the total of any budget surpluses or cash reserves is greater than 150 percent of its cost of education for the total enrollment in actual attendance during the fiscal year.

Status:

01/11/17 Senate: Referred to Committee on Education and Health
01/19/17 Senate: Rereferred from Education and Health (15-Y 0-N)
01/19/17 Senate: Rereferred to Finance
01/24/17 Senate: Impact statement from DPB (SB1379)
01/25/17 Senate: Passed by indefinitely in Finance (16-Y 0-N)

SB1387 [Joint Legislative Audit and Review Commission; operational and programmatic efficiency.](#)

Chief Patron: Sturtevant

Summary:

Authorizes the Joint Legislative Audit and Review Commission to establish an operational and programmatic efficiency and effectiveness review and assessment of state agencies, under a contract with a United States-based private management consulting firm with experience in conducting statewide performance reviews. The purpose of the review and assessment is to provide an objective and independent cost-savings assessment of the Commonwealth's organizational structure and its programs in order to provide information to the Governor and the General Assembly to effect savings in expenditures, a reduction in duplication of effort, and programmatic efficiencies in the operation of state government. The bill also (i) provides certain required terms for the contract with the private entity and (ii) requires the Commission to submit a report to the General Assembly on the results of any review and assessment by December 1 of the year in which the review is conducted.

Status:

02/21/17 House: Committee amendment agreed to
02/21/17 House: Engrossed by House as amended
02/21/17 House: Passed House with amendment (82-Y 10-N)
02/21/17 House: VOTE: PASSAGE (82-Y 10-N)
02/22/17 Senate: House amendment agreed to by Senate (40-Y 0-N)

SB1389 [Higher educational institutions; letter certifying good standing of certain students.](#)

Chief Patron: Mason

Summary:

Requires institutions of higher education that include notations on the transcripts of students who have been suspended for, have been permanently dismissed for, or withdraw from the institution while under investigation for offenses involving sexual violence under the institution's code, rules, or set of standards governing student conduct to require the dean of students or similar such individual at any other institution of higher education within or outside the Commonwealth to submit to it a letter certifying the good standing of any student who seeks admission to the institution that requires the letter of certification and who, at the time such student withdraws from the other institution of higher education within or outside the Commonwealth, is determined to be in good standing according to the institution's code, rules, or set of standards governing such a determination and is not under investigation or subject to any pending institutional proceedings for a violation of the institution's code, rules, or set of standards governing student conduct.

Status:

01/11/17 Senate: Prefiled and ordered printed; offered 01/11/17 17102279D
01/11/17 Senate: Referred to Committee on Education and Health
01/20/17 Senate: Impact statement from DPB (SB1389)
01/30/17 Senate: Assigned Education sub: Higher Education
02/02/17 Senate: Passed by indefinitely in Education and Health with letter (15-Y 0-N)

SB1405 [Higher educational institutions, public; notice of proposed tuition increase.](#)

Chief Patron: Surovell

Summary:

Prohibits the governing board of a public institution of higher education from approving an increase in tuition or mandatory fees without first publishing in a prominent location on the institution's website a brief synopsis of the proposed increase including an explanation of the need for such increase and the maximum potential amount of such increase and notice of the date, time, and location of any vote on the increase at least 30 days prior to such vote. The bill requires a copy of the synopsis and the notice to be emailed to each student and requires that public comment be accepted at any hearing on the increase.

Status:

01/11/17 Senate: Prefiled and ordered printed; offered 01/11/17 17102301D
01/11/17 Senate: Referred to Committee on Education and Health
01/19/17 Senate: Impact statement from DPB (SB1405)
01/23/17 Senate: Assigned Education sub: Higher Education
01/26/17 Senate: Incorporated by Education and Health (SB1376-Petersen) (15-Y 0-N)

SB1425 Ticket Resale Rights Act; limitations on reselling tickets on Internet ticketing platform, penalty.

Companion Bill: HB1825

Chief Patron: Stanley

Summary:

Prohibits any person that issues tickets for admission to a professional concert, professional sporting event, or professional theatrical production, open to the public for which tickets are ordinarily sold, from issuing the ticket solely through a delivery method that substantially prevents the ticket purchaser from lawfully reselling the ticket on the Internet ticketing platform of the ticket purchaser's choice. The measure also prohibits a person from being discriminated against or denied admission to an event solely on the basis that the person resold a ticket, or purchased a resold ticket, on a specific Internet ticketing platform. A person violating these prohibitions is subject to a civil penalty of not less than \$1,000 nor more than \$5,000. This bill is identical to [HB 1825](#).

Status:

02/22/17 Senate: Bill text as passed Senate and House (SB1425ER)
02/22/17 Senate: Signed by President
02/22/17 House: Signed by Speaker
02/23/17 Senate: Enrolled Bill Communicated to Governor on 2/23/17
02/23/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

SB1430 Higher educational institutions; student-death-related crisis.

Chief Patron: Reeves

Summary:

Requires baccalaureate public institutions of higher education to develop and implement policies that ensure that after a student suicide, affected students have access to reasonable medical and behavioral health services, including postvention services. The bill defines postvention services as services designed to facilitate the grieving or adjustment process, stabilize the environment, reduce the risk of negative behaviors, and prevent suicide contagion.

Status:

02/22/17 House: Engrossed by House - committee substitute SB1430H1
02/22/17 House: Passed House with substitute (100-Y 0-N)

02/22/17 House: VOTE: PASSAGE (100-Y 0-N)

02/23/17 Senate: House substitute agreed to by Senate (39-Y 0-N)

02/23/17 Senate: Title replaced 17105561D-H1

SB1436 [Virginia Freedom of Information Act; expands definition of public body.](#)

Chief Patron: Petersen

Summary:

Expands the definition of public body under FOIA to include any foundation that exists for the primary purpose of supporting a public institution of higher education and that is exempt from taxation under § 501(c)(3) of the Internal Revenue Code.

Status:

01/13/17 Senate: Presented and ordered printed 17102937D

01/13/17 Senate: Referred to Committee on General Laws and Technology

01/17/17 Senate: Assigned GL&T sub: #1

01/24/17 Senate: Impact statement from DPB (SB1436)

02/08/17 Senate: Left in General Laws and Technology

SB1450 [Concealed handguns; permit holders' possession on property of public higher educational institution.](#)

Chief Patron: Chase

Summary:

Allows any firefighter, person employed as search and rescue personnel, person employed as emergency medical services personnel, certified campus security officer, or student, employee, contractor, vendor, or faculty member of a public institution of higher education that participates in a Reserve Officers' Training Corps (ROTC) program who possesses a valid Virginia concealed handgun permit or a concealed handgun permit from another state that is recognized by Virginia to carry a concealed handgun on the property of, in buildings owned by, or at events hosted at public institutions of higher education.

Status:

01/16/17 Senate: Presented and ordered printed 17103467D

01/16/17 Senate: Referred to Committee for Courts of Justice

01/23/17 Senate: Passed by indefinitely in Courts of Justice (11-Y 4-N)

SB1504 [Virginia Health Workforce Development Authority; career pathway.](#)

Chief Patron: Favola

Summary:

Directs the Virginia Health Workforce Development Authority to develop a curriculum in the field of geriatric health care.

Status:

02/15/17 House: Read second time
02/16/17 House: Read third time
02/16/17 House: Amendment by Delegate Orrock agreed to
02/16/17 House: Defeated by House (32-Y 66-N)
02/16/17 House: VOTE: DEFEATED (32-Y 66-N)

SB1527 Virginia Guaranteed Assistance Program; changes to Program, Commonwealth Award grants.

Chief Patron: Saslaw

Summary:

Makes several changes to the Virginia Guaranteed Assistance Program (Program), including adding requirements that (i) each student eligible for the Program receive a grant from the institution's appropriations for undergraduate student financial assistance before Commonwealth Award grants are awarded to students with equivalent remaining need, (ii) each eligible student receive a Program grant in an amount greater than Commonwealth Award grants awarded to students with equivalent remaining need, (iii) each eligible student receive a Program grant in an amount greater than the grant of each eligible student with equivalent remaining need in the next-lowest class level, and (iv) each Program grant be determined by a proportionate award schedule adopted by each institution and vary according to each student's remaining need and the total of tuition, fees, and other necessary charges, including books. This bill is identical to [HB 2427](#).

Status:

02/22/17 Senate: Impact statement from DPB (SB1527ER)
02/22/17 Senate: Signed by President
02/22/17 House: Signed by Speaker
02/23/17 Senate: Enrolled Bill Communicated to Governor on 2/23/17
02/23/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

SB1528 Virginia Public Procurement Act; small business and microbusiness procurement enhancement program.

Companion Bill: HB2420

Chief Patron: Locke

Summary:

Codifies the Governor's Executive Order 20 (2014) establishing a statewide small business and microbusiness procurement enhancement program. The bill establishes a statewide goal of 42 percent of

small and microbusiness utilization in all discretionary spending by state agencies in procurement orders, prime contracts, and subcontracts. In addition, the bill provides for (i) a set-aside for competition among all small businesses for state agency purchases up to \$100,000 for goods and nonprofessional services and up to \$50,000 for professional services and (ii) a set-aside for competition among microbusinesses for purchases under \$10,000.

Status:

01/20/17 Senate: Presented and ordered printed 17103981D

01/20/17 Senate: Referred to Committee on General Laws and Technology

02/03/17 Senate: Stricken at request of Patron in General Laws and Technology (13-Y 0-N)

SB1534 [Higher educational institutions, public; general education course credit, dual enrollment courses.](#)

Companion Bill: HB1662

Chief Patron: Sturtevant

Summary:

Requires the State Council of Higher Education for Virginia (SCHEV), in consultation with each public institution of higher education, to establish a policy for granting undergraduate general education course credit to any entering freshman student who has successfully completed a dual enrollment course. The bill requires SCHEV and each public institution of higher education to make the policy available to the public on the SCHEV and institution's websites. This bill is identical to [HB 1662](#).

Status:

02/17/17 Senate: Impact statement from DPB (SB1534ER)

02/17/17 House: Signed by Speaker

02/20/17 Senate: Signed by President

02/21/17 Senate: Enrolled Bill Communicated to Governor on 2/21/17

02/21/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

SB1562 [Medicaid Supplemental Rate Fund, created.](#)

Chief Patron: Dunnivant

Summary:

Creates the Medicaid Supplemental Rate Fund (the Fund) as a subfund of the Virginia Health Care Fund. Moneys in the Fund will be used to raise base Medicaid reimbursement rates for hospitals and health care providers in the Commonwealth. The bill will require nonprofit hospitals with over \$300 million in annual revenues to pay state and local sales and use taxes, and such sales tax revenues will be deposited into the Fund. Nonprofit hospitals are currently exempt from paying state and local sales and use tax.

Status:

01/20/17 Senate: Presented and ordered printed 17103793D
01/20/17 Senate: Referred to Committee on Finance
01/27/17 Senate: Impact statement from DPB (SB1562)
02/01/17 Senate: Passed by indefinitely in Finance with letter (16-Y 0-N)

SB1565 [Higher educational institutions; tuition increases.](#)

Chief Patron: Wagner

Summary:

Prohibits any percentage increase in in-state tuition or instructional fees for undergraduate students at Virginia's public institutions of higher education that exceeds the state-mandated salary percentage increase for state employees of the immediately preceding year.

Status:

01/20/17 Senate: Referred to Committee on Education and Health
01/26/17 Senate: Rereferred from Education and Health (15-Y 0-N)
01/26/17 Senate: Rereferred to Finance
01/26/17 Senate: Impact statement from DPB (SB1565)
02/01/17 Senate: Passed by indefinitely in Finance (16-Y 0-N)

SB1566 [Certificate of Public Need program; established, report.](#)

Chief Patron: Dunnivant

Summary:

Makes changes to the Medical Care Facilities Certificate of Public Need Program. The bill (i) removes psychiatric facilities, specialized centers or clinics or that portion of a physician's office developed for the provision of ambulatory or outpatient surgery, lithotripsy, magnetic source imaging (MSI), or nuclear medicine imaging, and certain specialized centers or clinics or portions of hospitals for the provision of neonatal special care services from the list of reviewable medical care facilities; (ii) provides that establishment of a medical care facility to replace an existing medical care facility with the same primary service area does not constitute a project; (iii) removes introduction into an existing medical care facility of any new lithotripsy, magnetic source imaging, or obstetrical service that the facility has never provided or has not provided in the previous 12 months and addition by an existing medical care facility of any medical equipment for the provision of lithotripsy and magnetic source imaging (MSI) from the definition of project; (iv) creates a new process for registration of projects exempted from the definition of project by the bill; (v) establishes an expedited 45-day review process for applicants for projects determined to be uncontested or to present limited health planning impacts; (vi) renames the State Medical Facilities Plan as the State Health Services Plan and establishes a State Health Services Plan Advisory Council to provide recommendations related to the content of the State Health Services Plan; (vii) clarifies the content of the application for a certificate; and (viii) reduces the timeline for a person to be made party to the case for good cause from 80 calendar days to four days following completion of the review and submission of recommendations related to an application.

The bill also (a) directs the Secretary of Health and Human Resources to review charity care services delivered throughout the Commonwealth and recommend changes to the definition of charity and to the types of charity care requirements imposed on various health care services and report to the Governor and the General Assembly by December 1, 2017; (b) directs the Secretary of Health and Human Resources to implement a system to ensure that data needed to evaluate whether an application for a certificate is consistent with the State Health Services Plan is timely and reliable, to make all public records pertaining to applications for certificates and the review process available in real-time in a searchable, digital format online, to make an inventory of capacity authorized by certificates of public need, both operational and not yet operational, available in a digital format online, and to make charity care conditions, charity care compliance reporting status, and details on the exact amount of charity care provided or contributed and to whom it was provided or contributed available in a digital format online; (c) directs the Commissioner of Health to develop an analytical framework to guide the work of the State Health Services Plan Advisory Council; and (d) directs the Joint Commission on Health Care to develop specific recommendations for eliminating differences in the certificate of public need review process from one region to another and report on the recommendations to the Chairmen of the House Health, Welfare and Institutions and Senate Education and Health Committees by December 1, 2017.

Status:

01/20/17 Senate: Presented and ordered printed 17103977D

01/20/17 Senate: Referred to Committee on Education and Health

01/24/17 Senate: Assigned Education sub: Certificate of Public Need (COPN)

01/27/17 Senate: Impact statement from VDH (SB1566)

02/02/17 Senate: Passed by indefinitely in Education and Health (15-Y 0-N)

SJ254 [Study; State Council of Higher Education for Va; applied baccalaureate degrees.](#)

Companion Bill: HJ611

Chief Patron: Stanley

Summary:

Requests that the State Council of Higher Education for Virginia study the feasibility and benefits of comprehensive community colleges offering applied baccalaureate degrees by analyzing and making recommendations on (i) the affordability of obtaining an applied baccalaureate degree at a comprehensive community college as compared to a baccalaureate public institution of higher education, including the extent to which obtaining an applied baccalaureate degree at a comprehensive community college would reduce college debt; (ii) the feasibility and benefits of higher education centers on comprehensive community college campuses; (iii) the feasibility and benefits of joint degree programs between comprehensive community colleges and baccalaureate public institutions of higher education that are offered on community college campuses; (iv) the feasibility and benefits of offering applied baccalaureate degrees in engineering and information technology at Danville Community College and Patrick Henry Community College; (v) applied baccalaureate degrees that could be offered at Danville Community College, Patrick Henry Community College, or other comprehensive community colleges in addition to applied baccalaureate degrees in engineering and information technology; and (vi) options for residents in rural parts of the Commonwealth to earn applied baccalaureate degrees.

Status:

01/03/17 Senate: Prefiled and ordered printed; offered 01/11/17 17102841D
01/03/17 Senate: Referred to Committee on Rules
02/02/17 Senate: Passed by indefinitely in Rules

SJ292 [Study; SCHEV; financial reserves; report.](#)

Chief Patron: Surovell

Summary:

Requests the State Council of Higher Education for Virginia to study the practice of maintaining financial reserves at baccalaureate public universities of higher education.

Status:

01/11/17 Senate: Prefiled and ordered printed; offered 01/11/17 17102779D
01/11/17 Senate: Referred to Committee on Rules
02/02/17 Senate: Passed by indefinitely in Rules

SJ308 [Governor; confirming appointments.](#)

Chief Patron: Vogel

Summary:

Confirms appointments of certain persons made by Governor McAuliffe and communicated to the General Assembly on August 1, 2016.

Status:

02/08/17 House: VOTE: ADOPTION (65-Y 34-N)
02/08/17 House: Engrossed by House as amended
02/08/17 House: Agreed to by House with amendment (87-Y 10-N)
02/08/17 House: VOTE: ADOPTION (87-Y 10-N)
02/10/17 Senate: House amendment agreed to by Senate (37-Y 2-N)