President's Legislative Status Report
University of Virginia -- Office of State Governmental Relations
January 26, 2009

HB1591	Ombudsman, Office of State; created. (**Chief Patron: Morgan**)	4
HB1598	Certificate of public need; criteria for determining need and method of filing. (**Chief Patron: Hamilton**)	4
HB1608	Higher educational institutions; automatic acceptance of certain students applying for admission. (**Chief Patron: Poisson**)	4
HB1638	College Scholarship Assistance Program; out-of-state student surcharge to be collected. (**Chief Patron: Poisson**)	5
HB1639	Human beings, preborn; constitutional right to enjoyment of life from moment of fertilization. (**Chief Patron: Marshall, R.G.**)	5
HB1641	Efficiency in Government Advisory Councils; established. (**Chief Patron: Marshall, R.G.**)	5
HB1656	Concealed handguns; allows faculty members at institutions of higher education to carry on campus. (**Chief Patron: Marshall, R.G.**)	6
HB1668	Garnishment; provision for parent who supports dependent child or children residing with him. (**Chief Patron: Kilgore**)	6
HB1684	Retirement System; retirees may be hired as nurses without interrupting retirement benefits. (**Chief Patron: Valentine**)	6
HB1696	Higher education; increase of admission of in-state students at public institutions. (**Chief Patron: Albo**)	7
HB1703	Indoor Clean Air Act; unlawful for any person to smoke in establishment built after July 1, 2010. (**Chief Patron: Cosgrove**)	7
HB1710	Contracts; certain indemnification provisions in construction contracts declared void. (**Chief Patron: Oder**)	7
HB1810	Course credit; students called to active military duty may receive full credit. (**Chief Patron: Morrissey**)	8
HB1812	Questioning employees about criminal convictions; prohibits employer from asking about certain. (**Chief Patron: Morrissey**)	8
HB1814	Plastic bags; bans use by retailers at point of sale unless designed & manufactured for reuse. (**Chief Patron: Morrissey**)	8
HB1815	Questioning employees about criminal convictions; prohibits employer from asking about certain. (**Chief Patron: Morrissey**)	9
HB1834	University of Virginia; board of visitors to submit annual report of progress to General Assembly. (**Chief Patron: Toscano**)	9
HB2044	Health information technology; adoption of standards. (**Chief Patron: Nixon**)	9
HB2060	Mental health law; amends statutes to address issues resulting from overhaul thereof. (**Chief Patron: Hamilton**)	10
HB2121	Public Procurement Act; verification of legal presence of contractors for employment. (**Chief Patron: Nichols**)	10
HB2154	Retirement System; creates new defined contribution retirement plan for certain employees. (**Chief Patron: Purkey**)	11
HB2158	Charlottesville-Albemarle Regional Transit Authority; established. (**Chief Patron: Toscano**)	11

HB2174	Retention of energy savings by state agencies; established. (**Chief Patron: Hogan**)	11
HB2207	Virginia Budget Office; established. (**Chief Patron: Frederick**)	12
HB2234	State agencies; prohibit companies that have certain business operations in Sudan from bidding. (**Chief Patron: Valentine**)	12
HB2324	Higher educational institutions; at least 80% of transfer students admitted be Virginia domiciles. (**Chief Patron: Athey**)	12
HB2325	Higher educational institutions; at least 70% of students admitted be Virginia domiciles. (**Chief Patron: Athey**)	13
HB2387	Green Public Buildings Act; certain new or renovated buildings to be built to certain standards. (**Chief Patron: Ebbin**)	13
HB2396	Advance medical directives; revises Health Care Decisions Act to clarify process. (**Chief Patron: Bell**)	13
HB2404	Virginia Universities Clean Energy Development and Economic Stimulus Foundation; created. (**Chief Patron: Bell**)	14
HB2426	Government Data Collection and Dissemination Practices Act; extends implementation of prohibition. (**Chief Patron: May**)	14
HB2427	Protection of Social Security Numbers Act; first five digits to be confidential from disclosure. (**Chief Patron: May**)	15
HB2463	Government Efficiency Review Commission; established. (**Chief Patron: O'Bannon**)	15
HB2464	Higher educational institutions, certain; management agreements with State. (**Chief Patron: Morgan**)	15
HB2475	Higher educational institutions; at least 75% of students admitted be Virginia domiciles. (**Chief Patron: Hugo**)	16
HB2486	Emergency custody; authority of law-enforcement officer. (**Chief Patron: Ward**)	16
HB2519	Electric utilities; SCC to establish procedures regarding refunds of moneys collected. (**Chief Patron: Phillips**)	16
HB2547	Federal economic stimulus funds; available for State use exclusively for transportation & education. (**Chief Patron: Albo**)	17
HB2557	State employee health insurance plan; mandated benefits. (**Chief Patron: Nixon**)	17
HB2660	Capital outlay plan; constitutes Governor's statutorily required proposal for projects. (**Chief Patron: Putney**)	17
HJ653	PRODUCED in Virginia program; UVA School of Engineering & CVCC recognized for establishing. (**Chief Patron: Cosgrove**)	18
HJ654	Higher Education, State Council of; to study establishing four year institution in Virginia Beach. (**Chief Patron: Tata**)	18
HJ705	Higher education; joint subcommittee to study affordability in State. (**Chief Patron: Scott, J.M.**)	18
HJ709	Constitutional amendment; assessments of real property and tax rates (first reference). (**Chief Patron: Frederick**)	19
HJ710	Constitutional amendment; spending limits on government (first reference). (**Chief Patron: Frederick**)	19
HJ724	Constitutional amendment; limits appropriations in fiscal year to preceding year's (1st reference). (**Chief Patron: Gilbert**)	19
HJ729	Constitutional amendment; provides that English is official language of State. (**Chief Patron: Joannou**)	20

HR39	ROTC program; higher educational institutions encouraged to support by providing academic credit. (**Chief Patron: Cox**)	20
SB843	Medical malpractice limit; raises total amount recoverable in certain. (**Chief Patron: Marsh**)	20
SB873	Plastic bags; bans use by retailers at point of sale unless designed & manufactured for reuse. (**Chief Patron: Ticer**)	21
SB885	Drug-related personal injury actions; extends two-year statute of limitations. (**Chief Patron: McEachin**)	21
SB893	Submission of executive budget; personnel costs for state agencies. (**Chief Patron: McDougle**)	21
SB936	Enterprise Applications Program; searchable database website of state budget expenditures & revenue. (**Chief Patron: Cuccinelli**)	22
SB1007	Garnishment; parent who does not receive child support payments may hold exempt therefrom. (**Chief Patron: Quayle**)	22
SB1056	Retirement System; retirees hired as nurses without interrupting their benefits. (**Chief Patron: Whipple**)	22
SB1079	Emergency custody; authority of law-enforcement officer. (**Chief Patron: Howell**)	23
SB1083	Mental health law; amends statutes to address issues resulting from overhaul thereof. (**Chief Patron: Howell**)	23
SB1127	State energy efficiency program; require Division of Purchase and Supply to ensure 20% sustainable. (**Chief Patron: Petersen**)	24
SB1142	Advance medical directives; revises Health Care Decisions Act regarding. (**Chief Patron: Whipple**)	24
SB1154	Copies of medical bills and charges; no cost. (**Chief Patron: McDougle**)	25
SB1156	Higher educational institutions, certain; management agreements with State. (**Chief Patron: Edwards**)	25
SB1252	Green Public Buildings Act; certain new or renovated buildings to be built to certain standards. (**Chief Patron: Petersen**)	25
SB1314	Purchases of Services From People with Severe Disabilities, Committee on; established. (**Chief Patron: Colgan**)	26
SB1318	Government Data Collection and Dissemination Practices Act; extends implementation. (**Chief Patron: Houck**)	26
SB1330	Personnel Act; willfully disclosing personal information prohibited by law, guilty of malfeasance. (**Chief Patron: Cuccinelli**)	26
SB1351	Health insurance plan; insurance mandate for accident, etc. apply to plans for state employees. (**Chief Patron: Wagner**)	27
SB1531	Capital outlay plan; Governor's proposal. (**Chief Patron: Colgan**)	27
SJ290	Constitutional amendment; establishes limitations on takings of private property. (**Chief Patron: Obenshain**)	27

HB1591 Ombudsman, Office of State; created.

Chief Patron: **Morgan**

Summary:

Establishes the Office of the State Ombudsman to investigate citizen complaints alleging (i) fraud, waste, or abuse of state property or resources, (ii) mismanagement, or (iii) neglect of duty. A record exemption from the Freedom of Information Act is also provided for investigative notes, correspondence and information furnished in confidence to the State Ombudsman during the investigation of a complaint.

Status:
10/14/08 House: Prefiled and ordered printed; offered 01/14/09 089394652
10/14/08 House: Referred to Committee on General Laws
01/09/09 House: Introduced bill reprinted 089394652
01/12/09 House: Assigned GL sub: Professional/Occupational/Adminstrative Process
01/13/09 House: Impact statement from DPB (HB1591)

HB1598 Certificate of public need; criteria for determining need and method of filing.

Chief Patron: **Hamilton**

Summary:

Replaces existing criteria for determining need for the purposes of a Certificate of Public Need with six new criteria including (i) the extent to which the proposed service or facility will provide or increase accessibility to the residents of the area to be served and the effects on accessibility in areas having distinct and unique geographic, socioeconomic, cultural, transportation, and other barriers to care; (ii) the level of documented community support from the citizens, businesses, and governmental leaders; (iii) the extent to which the proposed service or facility will impact the costs of and charges for providing quality health services; (iv) the extent to which the proposed service or facility increases institutional competition; (v) the extent to which the proposed service or facility will promote quality assurance and cost effectiveness through improvements or innovations in the financing and delivery of heath services; and (vi) the extent to which the proposed service or facility will increase service to indigent populations. This bill also allows for the electronic filing of applications for a Certificate of Public Need.

Status:
01/19/09 House: Engrossed by House - committee substitute HB1598H1
01/20/09 House: Read third time and passed House (88-Y 0-N 1-A)
01/20/09 House: VOTE: --- PASSAGE (88-Y 0-N 1-A)
01/21/09 Senate: Constitutional reading dispensed
01/21/09 Senate: Referred to Committee on Education and Health

HB1608 Higher educational institutions; automatic acceptance of certain students applying for admission.

Chief Patron: **Poisson**

Summary:

Directs the governing boards of public institutions of higher education to provide for the automatic acceptance of those resident students applying for admission who have graduated from a public or private high school in

Virginia with a grade point average in the top 10 percent of such student's graduating class and have been honorably discharged from service in the United States Armed Forces, the United States Armed Forces Reserves, the Virginia National Guard, or the Virginia National Guard Reserve.

Status:
11/12/08 House: Prefiled and ordered printed; offered 01/14/09 089777688
01/06/09 House: Referred to Committee on Education
01/19/09 House: Impact statement from DPB (HB1608)
01/20/09 House: Assigned Education sub: Higher Education and Arts
01/20/09 House: Subcommittee recommends laying on the table by voice vote

HB1638 College Scholarship Assistance Program; out-of-state student surcharge to be collected.

Chief Patron: **Poisson**

Summary:

Provides that the State Council of Higher Education must collect a surcharge from each out-of-state student attending a public institution of higher education in the Commonwealth. The amount of the surcharge for each student represents the difference between 350 percent of the annual in-state tuition rate charged at the institution at which the student is enrolled and the amount charged annually for out-of-state tuition at the institution at which the student is enrolled. The funds collected by SCHEV from such surcharge must be applied to the College Scholarship Assistance Program.

Status:
12/10/08 House: Prefiled and ordered printed; offered 01/14/09 097603688
12/10/08 House: Referred to Committee on Education
01/20/09 House: Assigned Education sub: Higher Education and Arts

HB1639 Human beings, preborn; constitutional right to enjoyment of life from moment of fertilization.

Chief Patron: **Marshall, R.G.**

Summary:

Provides that "the right to enjoyment of life" guaranteed by Article 1, Section 1 of the Constitution of Virginia is vested in each born and preborn human being from the moment of fertilization.

Status:
12/10/08 House: Prefiled and ordered printed; offered 01/14/09 090689616
12/10/08 House: Referred to Committee for Courts of Justice

HB1641 Efficiency in Government Advisory Councils; established.

Chief Patron: **Marshall, R.G.**

Summary:

Establishes an Efficiency in Government Advisory Council for each secretariat of state government to review the operations of the agencies within the assigned secretariat for the purposes of identifying efficiencies and determining specific operational areas where savings may be realized. Under the bill, all recommendations that result in identifiable monetary savings among agencies within the assigned secretariat shall be presented to the

Governor and General Assembly no later than November 30 of each year. Savings resulting from implementation of the recommendations will accrue to the general fund.

Status:
12/10/08 House: Prefiled and ordered printed; offered 01/14/09 092326616
12/10/08 House: Referred to Committee on Rules
01/13/09 House: Impact statement from DPB (HB1641)

HB1656 Concealed handguns; allows faculty members at institutions of higher education to carry on campus.

Chief Patron: **Marshall, R.G.**

Summary:

Allows full-time faculty members of state institutions of higher education who possess a valid Virginia concealed handgun permit to carry a concealed handgun on campus.

Status:
12/15/08 House: Prefiled and ordered printed; offered 01/14/09 095960616
12/15/08 House: Referred to Committee on Militia, Police and Public Safety

HB1668 Garnishment; provision for parent who supports dependent child or children residing with him.

Companion Bill: SB1007

Chief Patron: **Kilgore**

Summary:

Provides that a parent who supports a dependent child or children residing with him for whom he does not receive child support payments may hold exempt from garnishment an additional amount for the support of the child or children as follows: $51 per week for one child; $79 per week for two children; and $99 per week for three children. The court may add additional sums as necessary for the support of additional dependent children for whom no child support payment is received. This additional exemption amount shall not be available to a parent whose household gross income exceeds $4,000 per month.

Status:
12/18/08 House: Prefiled and ordered printed; offered 01/14/09 098155588
12/18/08 House: Referred to Committee for Courts of Justice
01/14/09 House: Impact statement from DPB (HB1668)
01/16/09 House: Assigned Courts sub: Civil
01/19/09 House: Subcommittee recommends reporting with amendment(s)

HB1684 Retirement System; retirees may be hired as nurses without interrupting retirement benefits.

Companion Bill: SB1056

Chief Patron: **Valentine**

Summary:

Provides that retired persons who are members of the Virginia Retirement System may be hired as nurses without interrupting their retirement benefits under the following conditions: (i) the person has been receiving

such retirement allowance for a minimum period of time as jointly determined by VRS and the Joint Legislative Audit and Review Commission; (ii) the person has not retired pursuant to an early retirement incentive; and (iii) the person did not voluntarily resign or voluntarily retire under the Workforce Transition Act of 1995.

Status:
12/29/08 House: Prefiled and ordered printed; offered 01/14/09 092816760
12/29/08 House: Referred to Committee on Appropriations
01/19/09 House: Assigned App. sub: Compensation and Retirement (Jones, S.C.)
01/23/09 House: Impact statement from VRS (HB1684)

HB1696 Higher education; increase of admission of in-state students at public institutions.

Chief Patron: **Albo**

Summary:

Provides that the board of visitors or other governing body of each public institution of higher education must establish rules and regulations increasing the number of admitted Virginia domiciles 1.3 percent annually until the number of admitted Virginia domiciles reaches 80 percent of all admitted students.

Status:
01/05/09 House: Prefiled and ordered printed; offered 01/14/09 098115404
01/05/09 House: Referred to Committee on Education
01/20/09 House: Assigned Education sub: Higher Education and Arts

HB1703 Indoor Clean Air Act; unlawful for any person to smoke in establishment built after July 1, 2010.

Chief Patron: **Cosgrove**

Summary:

Provides that it shall be unlawful for any person to smoke in any establishment built and operated after July 1, 2010, as a restaurant, unless such establishment is constructed in such a manner that areas where smoking may be permitted are structurally separated from the portion of the restaurant in which smoking is prohibited and such areas contain structurally separated ventilation systems. Additionally, the bill provides that no wait staff or busboys in such restaurants shall be required by the proprietors or person who manages or otherwise controls any such restaurant to work in smoking areas mandated by this section without consent of such employees. The bill prohibits smoking in any building owned or leased by the Commonwealth or agency thereof or any locality. The bill contains technical amendments.

Status:
01/05/09 House: Prefiled and ordered printed; offered 01/14/09 098296472
01/05/09 House: Referred to Committee on General Laws

HB1710 Contracts; certain indemnification provisions in construction contracts declared void.

Chief Patron: **Oder**

Summary:

Provides that any provision in a contract relating to the construction by which the contractor performing such

work purports to indemnify or hold harmless another party to the contract against liability for damage arising out of bodily injury to persons or damage to property suffered in the course of performance of the contract, caused by or resulting in whole or in part from the negligence of such other party or his agents or employees, is against public policy. Currently, such damage or injury must result solely from the negligence of such other party for such provision to be against public policy.

Status:
01/05/09 House: Prefiled and ordered printed; offered 01/14/09 096658668
01/05/09 House: Referred to Committee on General Laws
01/14/09 House: Assigned GL sub: Professional/Occupational/Adminstrative Process

HB1810 Course credit; students called to active military duty may receive full credit.

Chief Patron: **Morrissey**

Summary:

Provides that in certain circumstances a student called to active military duty during a course at an institution of higher education may still receive full course credit.

Status:
01/12/09 House: Referred to Committee on Education
01/19/09 House: Impact statement from DPB (HB1810)
01/20/09 House: Assigned Education sub: Higher Education and Arts
01/20/09 House: Subcommittee recommends reporting with amendment(s)
01/26/09 House: Reported from Education with substitute (20-Y 1-N)

HB1812 Questioning employees about criminal convictions; prohibits employer from asking about certain.

Chief Patron: **Morrissey**

Summary:

Prohibits a state agency employer from asking an existing or prospective employee about the individual's record of arrests or convictions, unless the question refers to an arrest or conviction that occurred within the preceding eight years or was for a violent felony. An employer may not take negative employment actions against an individual based on a response to a prohibited question. A violation is punishable by a $500 civil penalty.

Status:
01/12/09 House: Prefiled and ordered printed; offered 01/14/09 090846653
01/12/09 House: Referred to Committee for Courts of Justice
01/16/09 House: Impact statement from DPB (HB1812)
01/16/09 House: Assigned Courts sub: Criminal
01/19/09 House: Subcommittee recommends passing by indefinitely by voice vote

HB1814 Plastic bags; bans use by retailers at point of sale unless designed & manufactured for reuse.

Companion Bill: SB873

Chief Patron: **Morrissey**

Summary:

Bans the use of plastic carryout bags by retailers at the point of sale unless such bags are (i) durable plastic bags with handles; (ii) at least 2.25 mils thick; and (iii) specifically designed and manufactured for multiple reuse.

Status:
01/12/09 House: Prefiled and ordered printed; offered 01/14/09 098542653
01/12/09 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources

HB1815 Questioning employees about criminal convictions; prohibits employer from asking about certain.

Chief Patron: **Morrissey**

Summary:

Prohibits an employer from asking an existing or prospective employee about the individual's record of arrests or convictions, unless the question refers to an arrest or conviction that occurred within the preceding 8 years or was for a violent felony. An employer may not take negative employment actions against an individual based on a response to a prohibited question. A violation is a Class 1 misdemeanor.

Status:
01/12/09 House: Referred to Committee for Courts of Justice
01/16/09 House: Impact statement from DPB (HB1815)
01/16/09 House: Assigned Courts sub: Criminal
01/19/09 House: Subcommittee recommends striking from the docket by voice vote
01/21/09 House: Stricken from docket by Courts of Justice

HB1834 University of Virginia; board of visitors to submit annual report of progress to General Assembly.

Chief Patron: **Toscano**

Summary:

Repeals the requirement that the University of Virginia board of visitors submit an annual report of the progress of the University to the General Assembly.

Status:
01/21/09 House: Read second time and engrossed
01/22/09 House: Read third time and passed House (95-Y 0-N 1-A)
01/22/09 House: VOTE: --- PASSAGE (95-Y 0-N 1-A)
01/23/09 Senate: Constitutional reading dispensed
01/23/09 Senate: Referred to Committee on Education and Health

HB2044 Health information technology; adoption of standards.

Chief Patron: **Nixon**

Summary:

Allows the Information Technology Investment Board to establish an advisory committee, consisting of

persons with expertise in health care and information technology, to advise it on the adoption of health information technology technical and data standards.

Status:
01/13/09 House: Prefiled and ordered printed; offered 01/14/09 095974826
01/13/09 House: Referred to Committee on Science and Technology

HB2060 Mental health law; amends statutes to address issues resulting from overhaul thereof.

Companion Bill: SB1083

Chief Patron: **Hamilton**

Summary:

Amends mental health statutes to address issues resulting from the overhaul of mental health laws during the 2008 Session. This bill clarifies requirements that law-enforcement initiated emergency custody remains subject to the four hour limit and two hour extension provisions; clarifies that the employee or designee of the community services board attending a commitment hearing need not be the person who prepared the prescreening report, and that neither the employee or designee of the community services board attending a commitment hearing nor the independent examiner who attends the commitment hearing shall be excluded pursuant to an order of sequestration of the witnesses; clarifies that the prescreening report shall be admitted into evidence and made part of the record of the case; and extends the CCRE reporting requirement to close of business on the next business day following the hearing resulting in involuntary commitment. This bill has an emergency clause.

Status:
01/20/09 House: Reported from Health, Welfare and Institutions (20-Y 0-N)
01/21/09 House: Read first time
01/22/09 House: Read second time and engrossed
01/23/09 House: Read third time and passed House BLOCK VOTE (97-Y 0-N)
01/23/09 House: VOTE: BLOCK VOTE PASSAGE (97-Y 0-N)

HB2121 Public Procurement Act; verification of legal presence of contractors for employment.

Chief Patron: **Nichols**

Summary:

Requires all public contractors and their subcontractors to register and participate in a federal Electronic Work Verification Program or similar electronic verification of work authorization program to determine that their employees and individual independent contractors are legally eligible for employment in the United States. Contractors and subcontractors are required to verify the employment status of their employees and independent contractors, and are prohibited from employing or contracting with an individual who is determined not to be legally eligible for employment in the United States as determined through the verification of the individual's status. Contractors who do not register and participate in the registration program are ineligible for prequalification. The measure becomes effective on July 1, 2010.

Status:
01/13/09 House: Prefiled and ordered printed; offered 01/14/09 090130654
01/13/09 House: Referred to Committee on General Laws

01/19/09 House: Assigned GL sub: FOIA

HB2154 Retirement System; creates new defined contribution retirement plan for certain employees.

Chief Patron: **Purkey**

Summary:

Creates a new defined contribution retirement plan for all employees who begin employment on or after July 1, 2009, in lieu of participating in any other retirement plan administered by the Virginia Retirement System. All other employees may elect to participate in the plan in lieu of participating in any other retirement plan administered by the Virginia Retirement System.

Status:
01/14/09 House: Prefiled and ordered printed; offered 01/14/09 098227692
01/14/09 House: Referred to Committee on Appropriations
01/20/09 House: Assigned App. sub: Compensation and Retirement (Hogan, Clarke N.)
01/23/09 House: Impact statement from VRS (HB2154)

HB2158 Charlottesville-Albemarle Regional Transit Authority; established.

Chief Patron: **Toscano**

Summary:

Establishes a local transit authority in the Charlottesville-Albemarle area. The Authority shall prepare a regional transit plan for all or portions of those areas located within the City of Charlottesville and all or such portions of the Counties of Albemarle, Fluvanna, Greene, Louisa, and Nelson as their governing bodies desire to have covered, to include, but not necessarily be limited to, transit improvements of regional significance.

Status:
01/14/09 House: Prefiled and ordered printed; offered 01/14/09 094326752
01/14/09 House: Referred to Committee on Counties, Cities and Towns
01/23/09 House: Assigned CC & T sub: 1
01/23/09 House: Impact statement from DPB (HB2158)

HB2174 Retention of energy savings by state agencies; established.

Chief Patron: **Hogan**

Summary:

Establishes a program under which the amount of general funds appropriated for a state agency's operating costs will be held harmless from any reduction in projected operational expenditures that results from the state agency's implementation of an energy conservation program. State agencies are required to prepare an approved energy conservation program for each building the state agency occupies or, if it does not occupy an entire building, for the portion of a building it occupies, based on guidelines to be developed by the Department of General Services. The program is required to identify specific measures that the state agency may implement in order to reduce energy expenditures. The Department shall track the energy expenditures for each state agency and calculate its energy savings, which shall be reported to the Department of Planning and Budget, the House Appropriations Committee, and the Senate Finance Committee.

Status:
01/14/09 House: Prefiled and ordered printed; offered 01/14/09 090056536
01/14/09 House: Referred to Committee on General Laws
01/23/09 House: Assigned GL sub: FOIA

HB2207 Virginia Budget Office; established.

Chief Patron: **Frederick**

Summary:

Establishes the Virginia Budget Office in the legislative branch of state government. The Office will have the power and duty to (i) prepare fiscal impact statements on legislation, (ii) investigate the operating efficiencies of state agencies, (iii) explore opportunities to privatize, outsource, consolidate, and reorganize various governmental functions to operate more efficiently, (iv) examine policies and strategies that can be instituted to streamline government programs, (v) undertake any research and analysis that would provide creditable, lower cost alternatives to existing or proposed budget programs, (vi) provide revenue and growth forecasts to the House Appropriations Committee, the Senate Finance Committee and the General Assembly, and (vii) analyze policy proposals offered in other states or elsewhere that have been offered or implemented.

Status:
01/14/09 House: Prefiled and ordered printed; offered 01/14/09 092370508
01/14/09 House: Referred to Committee on Appropriations
01/20/09 House: Assigned App. sub: Technology Oversight & Government Activities (Landes)
01/21/09 House: Impact statement from DPB (HB2207)

HB2234 State agencies; prohibit companies that have certain business operations in Sudan from bidding.

Chief Patron: **Valentine**

Summary:

Provides that companies meeting certain criteria determined to be related to the genocide in the Darfur region of Sudan are ineligible to bid upon or submit proposals for goods, services, or construction to state public bodies. The bill also authorizes the Director of the Department of General Services to provide exemptions from ineligibility requirements if it is in the best interest of the Commonwealth. In addition, the bill requires all companies to provide a certification regarding their eligibility status and provides civil penalties in the event a false certification is submitted.

Status:
01/14/09 House: Prefiled and ordered printed; offered 01/14/09 092355760
01/14/09 House: Referred to Committee on General Laws
01/22/09 House: Impact statement from DPB (HB2234)

HB2324 Higher educational institutions; at least 80% of transfer students admitted be Virginia domiciles.

Chief Patron: **Athey**

Summary:

Provides that the board of visitors or other governing body of each public institution of higher education must

establish rules and regulations requiring that, beginning with the transfer students for the fall of 2010, at least 80 percent of transfer students admitted to the institution be Virginia domiciles. State funds must be withheld from any institution that does not fulfill the 80 percent requirement.

Status:
01/14/09 House: Prefiled and ordered printed; offered 01/14/09 098594420
01/14/09 House: Referred to Committee on Education
01/20/09 House: Assigned Education sub: Higher Education and Arts

HB2325 Higher educational institutions; at least 70% of students admitted be Virginia domiciles.

Chief Patron: **Athey**

Summary:

Provides that the board of visitors or other governing body of each public institution of higher education must establish rules and regulations requiring that, beginning with the incoming freshman class of 2010, at least 70 percent of students admitted to the institution be Virginia domiciles. State funds must be withheld from any institution that does not fulfill the 70 percent requirement.

Status:
01/14/09 House: Prefiled and ordered printed; offered 01/14/09 098593420
01/14/09 House: Referred to Committee on Education
01/20/09 House: Assigned Education sub: Higher Education and Arts

HB2387 Green Public Buildings Act; certain new or renovated buildings to be built to certain standards.

Companion Bill: SB1252

Chief Patron: **Ebbin**

Summary:

Requires public bodies entering the design phase for construction of a new building greater than 5,000 gross square feet in size, or renovating such a building where the cost of renovation exceeds 50 percent of the value of the building, to build to either the Green Globes Green Building Initiative green building rating standard or the United States Green Building Council Leadership in Energy and Environment Design green building rating standard (LEED). Exemptions from the requirement may be granted by the Director of the Department of General Services for state construction projects or the governing body of a locality or school board for local projects.

Status:
01/14/09 House: Prefiled and ordered printed; offered 01/14/09 092363802
01/14/09 House: Referred to Committee on General Laws

HB2396 Advance medical directives; revises Health Care Decisions Act to clarify process.

Companion Bill: SB1142

Chief Patron: **Bell**

Summary:

Revises the Health Care Decisions Act to (i) clarify the process for determining a patient to be incapable of making an informed decision regarding health care; (ii) require that determinations of incapacity be made by two physicians, or one physician and one licensed clinical psychologist, one of whom is not otherwise involved in the care of the patient; (iii) allow any one physician to declare that a patient is again capable of making an informed decision; (iv) clarify the authority of an agent named in an advance directive, or a person otherwise given authority to make medical decisions for an incompetent patient; and (v) determine when a physician may treat a patient over his protests.

Status:
01/14/09 House: Prefiled and ordered printed; offered 01/14/09 090534432
01/14/09 House: Referred to Committee on Health, Welfare and Institutions

HB2404 Virginia Universities Clean Energy Development and Economic Stimulus Foundation; created.

Chief Patron: **Bell**

Summary:

Creates the Virginia Universities Clean Energy Development and Economic Stimulus Foundation as a body corporate and a political subdivision of the Commonwealth. The Foundation, with the cooperation and assistance of the University of Virginia and Virginia Polytechnic Institute and State University, shall identify, obtain, disburse and administer funding for: (i) research and development of alternative fuels, clean energy production, and related technologies; (ii) support of economic development projects in disadvantaged rural areas; and (iii) the provision of assistance in the commercialization of alternative fuels and clean energy technologies. Funding shall be awarded only to those proposed projects that best meet the established criteria and purposes of this act. Priority in the award of funding shall be accorded to those proposed projects that will be entirely or substantially conducted by one or both of the universities. The Tobacco Indemnification and Community Revitalization Commission is authorized to award to the Foundation up to five percent of the corpus of its endowment each year for five years beginning in 2009.

Status:
01/14/09 House: Prefiled and ordered printed; offered 01/14/09 090053536
01/14/09 House: Referred to Committee on Rules

HB2426 Government Data Collection and Dissemination Practices Act; extends implementation of prohibition.

Companion Bill: SB1318

Chief Patron: **May**

Summary:

Extends from July 1, 2009, to July 1, 2010, the implementation of the prohibition against collecting an individual's social security number unless collection of such number is (i) authorized or required by state or federal law and (ii) essential for the performance of that agency's duties. The bill contains several technical amendments, all to become effective July 1, 2010.

Status:
01/14/09 House: Prefiled and ordered printed; offered 01/14/09 095967868
01/14/09 House: Referred to Committee on General Laws
01/23/09 House: Assigned GL sub: FOIA

HB2427 Protection of Social Security Numbers Act; first five digits to be confidential from disclosure.

Chief Patron: **May**

Summary:

Provides that the first five digits of a social security number contained in a public record shall be confidential and exempt from disclosure under the Freedom of Information Act. The bill does allow release of a social security number under certain limited circumstances, including proper judicial order; to federal, state or local law-enforcement or correctional personnel; by one agency to another agency in Virginia or to an agency in another state, district, or territory of the United States; and to any data subject exercising his rights under the Government Data Collection and Dissemination Practices Act. The bill provides for penalties for violation.

Status:
01/14/09 House: Prefiled and ordered printed; offered 01/14/09 095969620
01/14/09 House: Referred to Committee on General Laws
01/23/09 House: Assigned GL sub: FOIA

HB2463 Government Efficiency Review Commission; established.

Chief Patron: **O'Bannon**

Summary:

Establishes the Government Efficiency Review Commission to review agencies on an eight-year cycle and advise the General Assembly on the elimination of waste, duplication, and inefficiency on the part of such agencies. The bill also repeals the Legislative Program Review and Evaluation Act (§ 30-64 et seq.) and makes some technical amendments.

Status:
01/14/09 House: Prefiled and ordered printed; offered 01/14/09 092356804
01/14/09 House: Referred to Committee on Rules
01/21/09 House: Impact statement from DPB (HB2463)

HB2464 Higher educational institutions, certain; management agreements with State.

Companion Bill: SB1156

Chief Patron: **Morgan**

Summary:

Provides that the 2006 management agreements in place between the Commonwealth and Virginia Polytechnic Institute and State University, the College of William and Mary, and the University of Virginia will expire on June 30, 2012. Also makes adjustments to the policies governing capital projects, procurement, and financial operations and management.

Status:
01/14/09 House: Prefiled and ordered printed; offered 01/14/09 093375802
01/14/09 House: Referred to Committee on Appropriations
01/20/09 House: Assigned App. sub: Higher Education (Morgan)
01/22/09 House: Impact statement from DPB (HB2464)

HB2475 Higher educational institutions; at least 75% of students admitted be Virginia domiciles.

Chief Patron: **Hugo**

Summary:

Provides that the board of visitors or other governing body of each public institution of higher education, except for the Virginia Military Institute, Norfolk State University, and Virginia State University, must establish rules and regulations requiring that at least 75 percent of students admitted and enrolled at the institution be Virginia domiciles.

Status:
01/14/09 House: Prefiled and ordered printed; offered 01/14/09 093359548
01/14/09 House: Referred to Committee on Education
01/20/09 House: Assigned Education sub: Higher Education and Arts

HB2486 Emergency custody; authority of law-enforcement officer.

Companion Bill: SB1079

Chief Patron: **Ward**

Summary:

Authorizes a law-enforcement officer who is transporting a person who has voluntarily consented to being transported to a facility for assessment or evaluation and who subsequently revokes consent to be transported to take such person into emergency custody when the law-enforcement officer determines that consent has been revoked and the person meets the criteria for emergency custody, even if the law-enforcement officer is beyond the territorial limits of the jurisdiction in which he serves. This bill also clarifies that a law-enforcement officer who takes a person into emergency custody based upon his own observations or reliable reports of others may transport such person beyond the territorial boundaries of the jurisdiction in which he serves in order to obtain the required assessment.

Status:
01/14/09 House: Presented and ordered printed 093160528
01/14/09 House: Referred to Committee on Health, Welfare and Institutions

HB2519 Electric utilities; SCC to establish procedures regarding refunds of moneys collected.

Chief Patron: **Phillips**

Summary:

Requires the State Corporation Commission (SCC) to establish procedures regarding refunds by electric utilities of moneys collected from fuel cost tariffs in excess of actual fuel costs. The measure directs the SCC to continuously review fuel costs of all electric utilities and, if the SCC finds that a utility is in an over-recovery

position, or likely to be so, to reduce the fuel cost tariffs to correct the over-recovery or require the utility to refund over-recoveries to customers. Currently, the SCC is authorized to review the fuel costs only of those utilities not bound by a rate case settlement that extended in its application beyond January 1, 2002, and if it finds that such a utility is in an over-recovery position, or likely to be so, the SCC is authorized to reduce its fuel cost tariffs to correct the over-recovery.

Status:
01/16/09 House: Presented and ordered printed 098732680
01/16/09 House: Referred to Committee on Commerce and Labor
01/26/09 House: Assigned C & L sub: 3 Energy

HB2547 Federal economic stimulus funds; available for State use exclusively for transportation & education.

Chief Patron: **Albo**

Summary:

Provides that any federal economic stimulus funds made available to Virginia be used exclusively for transportation and education infrastructure improvements. In awarding contracts, preference is to be given to Virginia businesses and Virginia subcontractors.

Status:
01/20/09 House: Presented and ordered printed 093580404
01/22/09 House: Referred to Committee on Appropriations
01/23/09 House: Assigned App. sub: Technology Oversight & Government Activities (Landes)
01/23/09 House: Impact statement from DPB (HB2547)

HB2557 State employee health insurance plan; mandated benefits.

Chief Patron: **Nixon**

Summary:

Provides that any law effective on or after July 1, 2009, that provides for an insurance mandate for policies of accident and health insurance shall also apply to health insurance plans for state employees. The measure also requires the Department of Human Resource Management to report to the Special Advisory Commission on Mandated Health Insurance Benefits on cost and utilization information for each of the mandated benefits. The Special Advisory Commission's analysis of a proposed private health insurance mandate shall not be deemed to be complete unless it includes an analysis of the Department's cost and utilization information for such mandate with respect to the state employee health insurance plan covering a period of not less than 12 months.

Status:
01/20/09 House: Presented and ordered printed 090133656
01/22/09 House: Referred to Committee on General Laws
01/23/09 House: Impact statement from DPB (HB2557)

HB2660 Capital outlay plan; constitutes Governor's statutorily required proposal for projects.

Companion Bill: SB1531

Chief Patron: **Putney**

Summary:

Constitutes the Governor's statutorily required proposal of a six- year capital outlay plan for projects to be funded entirely or partially from general fund-supported resources.

Status:
01/23/09 House: Presented and ordered printed 091322696
01/23/09 House: Committee

HJ653 PRODUCED in Virginia program; UVA School of Engineering & CVCC recognized for establishing.

Chief Patron: **Cosgrove**

Summary:

Recognizes the University of Virginia School of Engineering and Applied Science and the Central Virginia Community College for establishing the *PRODUCED in Virginia* program.

Status:
12/30/08 House: Prefiled and ordered printed; offered 01/14/09 095823472
12/30/08 House: Referred to Committee on Rules
01/20/09 House: Reported from Rules (14-Y 0-N)
01/23/09 House: Taken up
01/23/09 House: Passed by for the day

HJ654 Higher Education, State Council of; to study establishing four year institution in Virginia Beach.

Chief Patron: **Tata**

Summary:

Requests the State Council of Higher Education for Virginia to study the feasibility of establishing a four-year degree-granting institution of higher education in the City of Virginia Beach.

Status:
12/31/08 House: Prefiled and ordered printed; offered 01/14/09 098178748
12/31/08 House: Referred to Committee on Rules
01/16/09 House: Assigned Rules sub: Studies

HJ705 Higher education; joint subcommittee to study affordability in State.

Chief Patron: **Scott, J.M.**

Summary:

Establishes a joint subcommittee to study the affordability of higher education in Virginia. In conducting its study, the joint subcommittee shall (i) determine the number of first-time entering freshmen in Virginia public and private institutions for the 2008-2009 academic year; (ii) estimate the number of high school graduates from Virginia public and private schools over the next decade; (iii) project the demand for higher education at the undergraduate level in the Commonwealth over the next decade for public and private institutions of higher education; (iv) ascertain the State's role and responsibilities to make college affordable for Virginia citizens; (v)

review and assess the revenue sources for funding higher education in the Commonwealth and determine the need for revisions and other revenue sources; (vi) review the recently reauthorized Higher Education Opportunity Act to determine the applicability of its provisions to reducing the costs of tuition in Virginia; (vii) review other states' pre-college savings plans, such as the Oklahoma Seed Program, for applicability and adaptability in Virginia; and (viii) consider appropriate ways and options to increase the awareness and preparation of students and their families for higher education opportunities. The joint subcommittee must report its findings and recommendations to the Governor and the 2010 Session of the General Assembly.

Status:
01/14/09 House: Prefiled and ordered printed; offered 01/14/09 094185720
01/14/09 House: Referred to Committee on Rules

HJ709 Constitutional amendment; assessments of real property and tax rates (first reference).

Chief Patron: **Frederick**

Summary:

Provides that assessments of real property shall not increase annually by more than one percent plus the percentage increase, if any, in the rate of inflation. Increases in the rate of taxation on real property are limited to one percent per year.

Status:
01/14/09 House: Prefiled and ordered printed; offered 01/14/09 098574508
01/14/09 House: Referred to Committee on Privileges and Elections
01/22/09 House: Assigned P & E sub: Constitutional

HJ710 Constitutional amendment; spending limits on government (first reference).

Chief Patron: **Frederick**

Summary:

Provides for annual state and local government spending limits with surplus revenues returned to taxpayers.

Status:
01/14/09 House: Prefiled and ordered printed; offered 01/14/09 094510508
01/14/09 House: Referred to Committee on Privileges and Elections
01/22/09 House: Assigned P & E sub: Constitutional

HJ724 Constitutional amendment; limits appropriations in fiscal year to preceding year's (1st reference).

Chief Patron: **Gilbert**

Summary:

Limits total appropriations in any fiscal year to the preceding year's total appropriations plus a percentage increase equal to the past two years' average increase in the rate of inflation plus the average percentage increase in population. The amendment provides that any revenues collected in excess of the limitation shall be distributed: 75 percent to be refunded to individual income taxpayers and 25 percent to the Revenue Stabilization Trust Fund. "Total appropriations" is defined to exclude moneys appropriated that are received

from the federal government or an agency or unit thereof. If the amount in excess of the limitation is less than or equal to one percent of the limitation, the total excess shall be deposited to the Revenue Stabilization Fund if that Fund has not reached its constitutional limit, or if that Fund has reached its limit, the excess shall be appropriated to the general fund.

Status:
01/14/09 House: Prefiled and ordered printed; offered 01/14/09 096578516
01/14/09 House: Referred to Committee on Rules
01/20/09 House: Referred from Rules
01/20/09 House: Referred to Committee on Privileges and Elections
01/21/09 House: Assigned P & E sub: Constitutional

HJ729 Constitutional amendment; provides that English is official language of State.

Chief Patron: **Joannou**

Summary:

Provides that English is the official language of Virginia.

Status:
01/14/09 House: Prefiled and ordered printed; offered 01/14/09 095515572
01/14/09 House: Referred to Committee on Privileges and Elections
01/22/09 House: Assigned P & E sub: Constitutional

HR39 ROTC program; higher educational institutions encouraged to support by providing academic credit.

Chief Patron: **Cox**

Summary:

Encourages the public institutions of higher education in the Commonwealth to fully support the Reserve Officers' Training Corps (ROTC) programs and provide the maximum recognition of ROTC courses for credits toward graduation.

Status:
01/19/09 House: Reported from Education (22-Y 0-N)
01/21/09 House: Taken up
01/21/09 House: Engrossed by House
01/21/09 House: Agreed to by House BLOCK VOTE (93-Y 0-N)
01/21/09 House: VOTE: BLOCK VOTE PASSAGE (93-Y 0-N)

SB843 Medical malpractice limit; raises total amount recoverable in certain.

Chief Patron: **Marsh**

Summary:

Raises the total amount recoverable in certain medical malpractice actions to $2,750,000 on July 1, 2009. Such amount recoverable increases on July 1 each year by the annual percent change in the medical care component of the most recent publication of the Consumer Price Index for All Urban Consumers published by the United States Department of Labor, Bureau of Labor Statistics, or by any replacement index adopted by

the Department of Labor for medical costs.

Status:
12/22/08 Senate: Prefiled and ordered printed; offered 01/14/09 091412264
12/22/08 Senate: Referred to Committee for Courts of Justice
01/13/09 Senate: Assigned Courts sub: Civil

SB873 Plastic bags; bans use by retailers at point of sale unless designed & manufactured for reuse.

Companion Bill: HB1814

Chief Patron: **Ticer**

Summary:

Bans the use of plastic carryout bags by retailers at the point of sale unless such bags are (i) durable plastic bags with handles; (ii) at least 2.25 mils thick; and (iii) specifically designed and manufactured for multiple reuse.

Status:
12/29/08 Senate: Prefiled and ordered printed; offered 01/14/09 098240336
12/29/08 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources

SB885 Drug-related personal injury actions; extends two-year statute of limitations.

Chief Patron: **McEachin**

Summary:

Extends the two-year statute of limitations for personal injury actions in cases where the injury (i) is latent or by its nature not discoverable at the time of its occurrence and (ii) is the result of the ingestion of or exposure to a drug for a period of one year from the date the injury is discovered or reasonably should have been discovered.

Status:
12/31/08 Senate: Prefiled and ordered printed; offered 01/14/09 090261273
12/31/08 Senate: Referred to Committee for Courts of Justice
01/13/09 Senate: Assigned Courts sub: Civil

SB893 Submission of executive budget; personnel costs for state agencies.

Chief Patron: **McDougle**

Summary:

Requires the total amount appropriated for personnel costs for each agency to be included in the Budget Bill for each agency. The bill also provides that the amount appropriated to each agency for personnel costs shall only be used for personnel costs and that any appropriation set aside for personnel costs that remains undistributed at the end of any fiscal year shall revert to the general fund of the state treasury.

Status:
12/31/08 Senate: Prefiled and ordered printed; offered 01/14/09 092807272
12/31/08 Senate: Referred to Committee on Finance
01/21/09 Senate: Impact statement from DPB (SB893)

SB936 Enterprise Applications Program; searchable database website of state budget expenditures & revenue.

Companion Bill: HB2285

Chief Patron: **Cuccinelli**

Summary:

Provides for the Virginia Enterprise Applications Program (VEAP) within the Office of the Secretary of Technology to create and maintain a searchable database website containing information on state revenues, appropriations, and expenditures. Under the bill, the Director of VEAP shall develop a pilot searchable database website available for public use no later than July 1, 2010. Beginning in July 2011, the searchable database website shall be updated for (i) fiscal years that ended prior to July 1, 2009, and (ii) for future fiscal years not later than 60 days following the close of the fiscal year. The Director of VEAP, the Auditor of Public Accounts and the Joint Legislative Audit and Review Commission shall work together to coordinate efforts in obtaining, summarizing, and compiling information in order to avoid duplication of efforts. The website shall be made available in a format designed to encourage the greatest amount of use by the general public. The website shall provide access to all levels of budget spending in state government.

Status:
01/06/09 Senate: Prefiled and ordered printed; offered 01/14/09 092360216
01/06/09 Senate: Referred to Committee on General Laws and Technology
01/21/09 Senate: Impact statement from DPB (SB936)

SB1007 Garnishment; parent who does not receive child support payments may hold exempt therefrom.

Companion Bill: HB1668

Chief Patron: **Quayle**

Summary:

Provides that a parent who supports a dependent child or children residing with him for whom he does not receive child support payments may hold exempt from garnishment an additional amount for the support of the child or children as follows: $51 per week for one child; $79 per week for two children; and $99 per week for three children. The court may add additional sums as necessary for the support of additional dependent children for whom no child support payment is received. This additional exemption amount shall not be available to a parent whose household gross income exceeds $4,000 per month.

Status:
01/13/09 Senate: Prefiled and ordered printed; offered 01/14/09 096566308
01/13/09 Senate: Referred to Committee for Courts of Justice
01/14/09 Senate: Assigned Courts sub: Civil

SB1056 Retirement System; retirees hired as nurses without interrupting their benefits.

Companion Bill: HB1684

Chief Patron: **Whipple**

Summary:

Provides that retired persons who are members of the Virginia Retirement System may be hired as nurses without interrupting their retirement benefits under the following conditions: (i) the person has been receiving such retirement allowance for a minimum period of time as jointly determined by VRS and the Joint Legislative Audit and Review Commission; (ii) the person has not retired pursuant to an early retirement incentive; and (iii) the person did not voluntarily resign or voluntarily retire under the Workforce Transition Act of 1995.

Status:
01/13/09 Senate: Prefiled and ordered printed; offered 01/14/09 092848352
01/13/09 Senate: Referred to Committee on Finance
01/21/09 Senate: Impact statement from VRS (SB1056)

SB1079 Emergency custody; authority of law-enforcement officer.

Companion Bill: HB2486

Chief Patron: **Howell**

Summary:

Authorizes a law-enforcement officer who is transporting a person who has voluntarily consented to being transported to a facility for assessment or evaluation and who subsequently revokes consent to be transported to take such person into emergency custody when the law-enforcement officer determines that consent has been revoked and the person meets the criteria for emergency custody, even if the law-enforcement officer is beyond the territorial limits of the jurisdiction in which he serves. This bill also clarifies that a law-enforcement officer who takes a person into emergency custody based upon his own observations or reliable reports of others may transport such person beyond the territorial boundaries of the jurisdiction in which he serves in order to obtain the required assessment.

Status:
01/13/09 Senate: Prefiled and ordered printed; offered 01/14/09 093192248
01/13/09 Senate: Referred to Committee for Courts of Justice
01/14/09 Senate: Assigned Courts sub: Civil

SB1083 Mental health law; amends statutes to address issues resulting from overhaul thereof.

Companion Bill: HB2060

Chief Patron: **Howell**

Summary:

Amends mental health statutes to address issues resulting from the overhaul of mental health laws during the 2008 Session. This bill clarifies requirements that law-enforcement initiated emergency custody remains subject to the four hour limit and two hour extension provisions; clarifies that the employee or designee of the community services board attending a commitment hearing need not be the person who prepared the prescreening report, and that neither the employee or designee of the community services board attending a commitment hearing nor the independent examiner who attends the commitment hearing shall be excluded pursuant to an order of sequestration of the witnesses; clarifies that the prescreening report shall be admitted into evidence and made part of the record of the case; and extends the CCRE reporting requirement to close

of business on the next business day following the hearing resulting in involuntary commitment. This bill has an emergency clause.

Status:
01/13/09 Senate: Prefiled and ordered printed with emergency clause; offered 01/14/09 097825248
01/13/09 Senate: Referred to Committee for Courts of Justice
01/14/09 Senate: Assigned Courts sub: Civil

SB1127 State energy efficiency program; require Division of Purchase and Supply to ensure 20% sustainable.

Chief Patron: **Petersen**

Summary:

Requires the Division of Purchase and Supply of the Department of General Services to ensure that, by 2020 and thereafter, 20 percent of the electricity purchased by or for the departments, agencies, or institutions of the Commonwealth is sustainable energy. Prior to that date, interim percentage requirements for purchases of sustainable energy are established. The measure requires any state agency that is authorized to undertake construction of a state-owned facility over 5,000 gross square feet in size or a renovation of a state-owned facility over 5,000 gross square feet in size where the value of the renovation exceeds 50 percent of the assessed building value to build to energy performance standards of the U.S. Green Building Council's Leadership in Energy and Environmental Design building rating system or equivalent energy performance standards that provide for the use of Virginia forest products, unless granted an exemption by the Director of the Department of General Services. Finally, the measure authorizes the Governor or his designee to permit any state agency to enter into a contract through the use of competitive negotiation, rather than through the requirements of the Commonwealth's public procurement laws, if it finds that the contract will improve the efficiency of the agency's use of electricity or natural gas or will result in net savings in the agency's expenditures on electricity or natural gas.

Status:
01/13/09 Senate: Prefiled and ordered printed; offered 01/14/09 090101293
01/13/09 Senate: Referred to Committee on General Laws and Technology

SB1142 Advance medical directives; revises Health Care Decisions Act regarding.

Companion Bill: HB2396

Chief Patron: **Whipple**

Summary:

Revises the Health Care Decisions Act to (i) clarify the process for determining a patient to be incapable of making an informed decision regarding health care; (ii) require that determinations of incapacity be made by two physicians, or one physician and one licensed clinical psychologist, one of whom is not otherwise involved in the care of the patient; (iii) allow any one physician to declare that a patient is again capable of making an informed decision; (iv) clarify the authority of an agent named in an advance directive, or a person otherwise given authority to make medical decisions for an incompetent patient; and (v) determine when a physician may treat a patient over his protests.

Status:
01/13/09 Senate: Prefiled and ordered printed; offered 01/14/09 094030352

01/13/09 Senate: Referred to Committee on Education and Health
01/19/09 Senate: Assigned Education sub: Special on Mental Health

SB1154 Copies of medical bills and charges; no cost.

Chief Patron: **McDougle**

Summary:

Provides that a patient, patient's attorney, or insurance provider may obtain a list of charges or an account balance pertaining to that patient at no cost.

Status:
01/13/09 Senate: Prefiled and ordered printed; offered 01/14/09 091415272
01/13/09 Senate: Referred to Committee for Courts of Justice
01/14/09 Senate: Assigned Courts sub: Civil
01/20/09 Senate: Impact statement from DPB (SB1154)

SB1156 Higher educational institutions, certain; management agreements with State.

Companion Bill: HB2464

Chief Patron: **Edwards**

Summary:

Provides that the 2006 management agreements in place between the Commonwealth and Virginia Polytechnic Institute and State University, the College of William and Mary, and the University of Virginia will expire on June 30, 2012. Also makes adjustments to the policies governing capital projects, procurement, and financial operations and management.

Status:
01/13/09 Senate: Prefiled and ordered printed; offered 01/14/09 093376802
01/13/09 Senate: Referred to Committee on Education and Health
01/15/09 Senate: Assigned Education sub: Higher Education
01/22/09 Senate: Impact statement from DPB (SB1156)

SB1252 Green Public Buildings Act; certain new or renovated buildings to be built to certain standards.

Companion Bill: HB2387

Chief Patron: **Petersen**

Summary:

Requires public bodies entering the design phase for construction of a new building greater than 5,000 gross square feet in size, or renovating such a building where the cost of renovation exceeds 50 percent of the value of the building, to build to either the Green Globes Green Building Initiative green building rating standard or the United States Green Building Council Leadership in Energy and Environment Design green building rating standard (LEED). Exemptions from the requirement may be granted by the Director of the Department of General Services for state construction projects or the governing body of a locality or school board for local projects.

Status:
01/14/09 Senate: Prefiled and ordered printed; offered 01/14/09 092362802
01/14/09 Senate: Referred to Committee on General Laws and Technology

SB1314 Purchases of Services From People with Severe Disabilities, Committee on; established.

Chief Patron: **Colgan**

Summary:

Establishes the Committee on Purchases of Services from People with Severe Disabilities to encourage state agencies and political subdivisions of the Commonwealth to purchase services provided by persons with severe disabilities as a means of increasing employment opportunities. Under the bill, the Committee will establish and publish a procurement list consisting of services provided by qualified nonprofit entities for people with severe disabilities for procurement from state agencies and political subdivisions. The Committee will also establish fair market price of services that are contained on the procurement list.

Status:
01/14/09 Senate: Prefiled and ordered printed; offered 01/14/09 092384212
01/14/09 Senate: Referred to Committee on General Laws and Technology
01/22/09 Senate: Impact statement from DPB (SB1314)

SB1318 Government Data Collection and Dissemination Practices Act; extends implementation.

Companion Bill: HB2426

Chief Patron: **Houck**

Summary:

Extends from July 1, 2009, to July 1, 2010, the implementation of the prohibition against collecting an individual's social security number unless collection of such number is (i) authorized or required by state or federal law and (ii) essential for the performance of that agency's duties. The bill contains several technical amendments, all to become effective July 1, 2010. This bill is a recommendation of the Freedom of Information Advisory Council.

Status:
01/14/09 Senate: Prefiled and ordered printed; offered 01/14/09 091758839
01/14/09 Senate: Referred to Committee on General Laws and Technology

SB1330 Personnel Act; willfully disclosing personal information prohibited by law, guilty of malfeasance.

Chief Patron: **Cuccinelli**

Summary:

Provides that any person who willfully and knowingly discloses personal information, the disclosure of which is prohibited by law shall be guilty of malfeasance in office or employment. Upon conviction thereof, the judge or jury trying the case, in addition to any other fine or penalty provided by law, may order the forfeiture of such office or employment. In addition, the bill provides that (i) a person aggrieved by a violation shall be entitled to institute an action to recover actual damages or $500, whichever is greater, for each violation and (ii) if the

aggrieved party prevails, to be awarded reasonable attorney's fees and court costs. The bill specifies where court actions may be brought. The bill specifically provides that it applies to certain persons currently exempt from the provisions of the Virginia Personnel Act.

Status:
01/14/09 Senate: Prefiled and ordered printed; offered 01/14/09 092346216
01/14/09 Senate: Referred to Committee on General Laws and Technology
01/23/09 Senate: Impact statement from DPB (SB1330)

SB1351 Health insurance plan; insurance mandate for accident, etc. apply to plans for state employees.

Chief Patron: **Wagner**

Summary:

Provides that any law effective on or after July 1, 2009, that provides for an insurance mandate for policies of accident and health insurance shall also apply to health insurance plans for state employees. The measure also requires the Department of Human Resource Management to report to the Special Advisory Commission on Mandated Health Insurance Benefits on cost and utilization information for each of the mandated benefits.

Status:
01/14/09 Senate: Prefiled and ordered printed; offered 01/14/09 090094340
01/14/09 Senate: Referred to Committee on Commerce and Labor
01/23/09 Senate: Impact statement from DPB (SB1351)

SB1531 Capital outlay plan; Governor's proposal.

Companion Bill: HB2660

Chief Patron: **Colgan**

Summary:

Constitutes the Governor's statutorily required proposal of a six- year capital outlay plan for projects to be funded entirely or partially from general fund-supported resources.

Status:
01/23/09 Senate: Presented and ordered printed 091323212
01/23/09 Senate: Referred to Committee on Finance
01/26/09 Senate: Introduced bill reprinted 091323212

SJ290 Constitutional amendment; establishes limitations on takings of private property.

Chief Patron: **Obenshain**

Summary:

Establishes limitations on takings of private property. Except for property taken for public service companies or railroads, property may not be taken if the primary purpose of the taking is private financial gain, private benefit, an increase in tax base or tax revenues, or an increase in employment. No more property shall be taken than is necessary to achieve the stated public use.

Status:
12/23/08 Senate: Prefiled and ordered printed; offered 01/14/09 098384288

12/23/08 Senate: Referred to Committee on Privileges and Elections