

PROCUREMENT AND CONTRACTING

HB 90 Public Procurement Act; verification of legal presence for eligibility of employment.

Summary as introduced:

Public Procurement Act; verification of legal presence. 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 not determined 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.

Patron: Nichols

HB 187 Public Procurement Act; expands forms of bid, payment, and performance security.

Summary as introduced:

Virginia Public Procurement Act; bid, payment, and performance bonds; alternate forms of security. Expands the forms of alternate bid, payment, and performance security that may be used to include a bond provided or executed by an individual surety provided that (i) the person acting as the individual surety transacts business only through an insurance agency licensed by the Bureau of Insurance of the State Corporation Commission; (ii) the person acting as the individual surety provides an affidavit of individual surety in a form acceptable to the Department of General Services; and (iii) pledges certain assets in the amount equal to 100 percent of the contract value for the total penal amount of the performance and payment bonds or the penal amount of the bid as required by the bid bond.

Patron: Marshall, R.G.

HB 677 Public-Private Educational Facilities and Infrastructure Act of 2002; public hearing.

Summary as introduced:

Public-Private Educational Facilities and Infrastructure Act of 2002; public hearing prior to interim or comprehensive agreement. Provides that at least 30 days prior to entering into an interim or comprehensive agreement under the Public-Private Educational Facilities and Infrastructure Act, a responsible public entity must hold a public hearing on the proposals. Currently a responsible public entity is required to provide an opportunity for public comment, which may include a public hearing at the sole discretion of the responsible public entity.

Patron: Plum

HB 955 Public Private Education Facilities & Infrastructure Act of 2002; gain sharing for tech. projects.

Summary as introduced:

Public Private Education Facilities and Infrastructure Act of 2002; technology projects; gain sharing. Authorizes a responsible public entity (RPE) to include a gain-sharing component in any interim or comprehensive agreement for a qualifying project consisting of technology infrastructure, services or applications. "Gain sharing" is defined as a provision of an interim or comprehensive agreement where the RPE and the private entity agree to share a percentage of any savings that are realized and that can be attributed to the efforts of the private entity. The bill also allows an RPE to request the Public-Private Advisory Commission to perform a preliminary review of an unsolicited proposal for a technology-related qualifying project anticipating substantial savings to the responsible public entity and includes a gain-sharing component providing for the private entity to share in a percentage of the savings. In addition, the bill includes technology applications in the definition of "qualifying project."

Patrons: Nixon and Scott, J.M.

HB 1030 Telecommuting; state contractors to offer to employees.

Summary as introduced:

Procurement contracts; state contractors to offer telecommuting to employees. Requires the contractor to make every effort to offer telecommuting or alternative work schedules to its employees, based on the state telecommuting and alternative work schedule guidelines, except where there is a bona fide occupational qualification reasonably necessary to the normal operation of the contractor.

Patron: Frederick

HB 1358 State agencies; procurement of services by certain.

Summary as introduced:

Procurement of services by certain state agencies. Requires the Director of the Division of Purchases and Supply of the Department of General Services to solicit from each state agency a list of all procurements conducted by an agency that were competed with the private sector by October 1, 2008, and then every two years thereafter. The bill also provides that upon a written determination made in advance by a state agency that the procurement of services from a commercial source is neither practicable nor fiscally advantageous, such service may continue to be performed by the state agency.

Patron: Cline

SB 352 Public Private Education Facilities & Infrastructure Act of 2002; gain sharing, technology projects.

Summary as introduced:

Public Private Education Facilities and Infrastructure Act of 2002; technology projects; gain sharing. Authorizes a responsible public entity (RPE) to include a gain-sharing component in any interim or comprehensive agreement for a qualifying project consisting of technology infrastructure, services or applications. "Gain sharing" is defined as a provision of an interim or comprehensive agreement where the RPE and the private entity agree to share a percentage of any savings that are realized and that can be

attributed to the efforts of the private entity. The bill also allows an RPE to request the Public-Private Advisory Commission to perform a preliminary review of an unsolicited proposal for a technology-related qualifying project anticipating substantial savings to the responsible public entity and includes a gain-sharing component providing for the private entity to share in a percentage of the savings. In addition, the bill includes technology applications in the definition of "qualifying project."

Patron: Stosch

SB 426 Public Procurement Act; verification of legal presence.

Summary as introduced:

Public Procurement Act; verification of legal presence. 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 not determined 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.

Patrons: Barker; Delegate: Nichols

SB 517 Virginia Public Procurement Act;

Summary as introduced:

Virginia Public Procurement Act; required contract provisions; immigration status verification. Requires contractors to certify that they have undertaken immigration status verification on all of their employees, and that all employees are legally authorized to work in the United States

Patrons: Cuccinelli, Newman and Obenshain

COLLECTION AND TREATMENT OF PERSONAL INFORMATION AND SOCIAL SECURITY NUMBERS

HB 390 Compromised Data Notification Act; created.

Summary as introduced:

Compromised Data Notification Act. Creates the Compromised Data Notification Act, which, following discovery or notification of a breach of a security system, requires a state agency that owns or licenses computerized data that includes personal information to provide notice of the breach to all residents of Virginia whose unencrypted personal information was or is reasonably believed to have been acquired by an unauthorized person. The notice shall be given in the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the system.

Patrons: Bulova and Plum

HB 633 Personal Information Privacy Act; prohibits dissemination of another's social security number.

Summary as introduced:

Personal Information Privacy Act; social security numbers. Prohibits the dissemination of another person's social security number, regardless of whether such number is obtained from a public or private record. Currently, the prohibition against dissemination only applies to social security numbers obtained from private sources. This bill is a recommendation of the Freedom of Information Advisory Council and the Joint Commission on Technology and Science.

Patron: May

HB 634 Government Data Collection and Dissemination Practices Act; disclosure of personal information.

Summary as introduced:

Government Data Collection and Dissemination Practices Act (GDCDPA); personal information; definition; collection of same; penalty for violation; jurisdiction of district courts. Provides that no agency shall require an individual to furnish or disclose his social security number (SSN) or driver's license number unless the furnishing or disclosure of such number is (i) expressly authorized by state or federal law and (ii) essential for the performance of that agency's duties. The bill also strengthens the remedies provisions of the GDCDPA by adding civil penalties matching those in FOIA, and grants general district courts the authority to hear GDCDPA cases. Additionally, the bill has enactment clauses giving it a delayed effective date of July 1, 2009, and requires state agencies to study their own collection and use of SSNs and report to the FOIA Council and JCOTS on such collection and use by October 1, 2008. The bill also contains a fourth enactment clause providing for the gathering of similar information about the use and collection of SSNs by cities, counties and towns with a population greater than 15,000. The bill is a recommendation of the Freedom of Information Advisory Council and JCOTS.

Patron: May

HB 971 Identity theft; database breach notification.

Summary as introduced:

Database breach notification. Requires a person or business that conducts business in Virginia and that owns or licenses computerized data that includes personal information to conduct a reasonable investigation to promptly determine the likelihood that personal information has been or will be misused when it becomes aware of an incident of unauthorized access to personal customer information. Notification must be made in the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement. The bill also contains alternative notification provisions. Any customer injured by a violation of this section may institute a civil action to recover actual damages or to enjoin any business that violates or has violated this section.

Patron: Shannon

HB 1052 Identity theft; database breach notification.

Summary as introduced:

Database breach notification. Requires that an individual or a commercial entity that conducts business in Virginia and that owns or licenses data that includes personal information about a resident of Virginia shall, when it becomes aware of a breach of the security of the system, (i) conduct in good faith a reasonable and prompt investigation to determine the likelihood that personal information has been or will be misused and (ii) notify the Office of the Attorney General that a breach has occurred. A breach of the security of the system is defined as the unauthorized acquisition and access of unencrypted or unredacted data that compromises the security, confidentiality, or integrity of personal information maintained by an individual or a commercial entity. Types of notification meeting the requirements of this bill are listed, but not required if, after a reasonable investigation, the person or commercial entity determines that there is no reasonable likelihood of harm to affected Virginia residents. The Attorney General may bring an action in law to address violations and ensure proper compliance with this section. Nothing in this section shall limit an individual from recovering direct economic damages resulting from a violation of this section.

Patrons: Plum, Bulova and Scott, J.M.

HB 1087 Social security numbers; public access, exceptions.

Summary as introduced:

Public access to social security numbers; exceptions. Provides that the social security number of any individual contained in the public records of a local government shall be confidential and exempt from disclosure under the Freedom of Information Act. The bill provides, however, that a social security number may be released (i) in accordance with a proper judicial order; (ii) to any law-enforcement agency, officer, or authorized agent thereof acting in the performance of official law-enforcement duties; or (iii) to any data subject exercising his rights under the Government Data Collection and Dissemination Practices Act.

Patrons: Sickles and Frederick

HB 1096 Protection of Social Security Numbers Act; created.

Summary as introduced:

Protection of Social Security Numbers Act; penalties. Creates the Protection of Social Security Numbers Act, which prohibits every agency from releasing those portions of a public record that contain the social security number of any individual. The bill contains several exemptions from this general rule and also allows disclosure of the last four digits of a social security number to certain entities for the purpose of verifying identity. The bill provides for penalties for violation and contains technical amendments.

Patron: Sickles

HB 1102 Freedom of Information Act; records containing social security numbers.

Summary as introduced:

Freedom of Information Act; records containing social security numbers. Exempts from the mandatory disclosure requirements of the Freedom of Information Act those portions of records containing an individual's social security number; except that access shall not be denied to the person who is the subject thereof. Any person who is the subject of any such record and who is 18 years of age or older may waive, in writing, these protections. If the protections are so waived, the public body shall open such records for inspection and copying.

Patron: Sickles

SB 132 Government Data Collection and Dissemination Practices Act; disclosure of personal information.

Summary as introduced:

Government Data Collection and Dissemination Practices Act (GDCDPA); personal information; definition; collection of same; penalty for violation; jurisdiction of district courts. Provides that no agency shall require an individual to furnish or disclose his social security number (SSN) or driver's license number unless the furnishing or disclosure of such number is (i) expressly authorized by state or federal law and (ii) essential for the performance of that agency's duties. The bill also strengthens the remedies provisions of the GDCDPA by adding civil penalties matching those in FOIA, and grants general district courts the authority to hear GDCDPA cases. Additionally, the bill has enactment clauses giving it a delayed effective date of July 1, 2009, and requires state agencies to study their own collection and use of SSNs and report to the FOIA Council and JCOTS on such collection and use by October 1, 2008. The bill also contains a fourth enactment clause providing for the gathering of similar information about the use and collection of SSNs by cities, counties and towns with a population greater than 15,000. The bill is a recommendation of the Freedom of Information Advisory Council and JCOTS.

Patron: Houck

SB 133 Personal Information Privacy Act; prohibits dissemination of another's social security number.

Summary as introduced:

Personal Information Privacy Act; social security numbers. Prohibits the dissemination of another person's social security number, regardless of whether such number is obtained from a public or private record. Currently, the prohibition against dissemination only applies to social security numbers obtained from private sources. This bill is a recommendation of the Freedom of Information Advisory Council and the Joint Commission on Technology and Science.

Patron: Houck

HIGHER EDUCATION

HB 1124 – Virginia Commonwealth University; management agreement with State

Summary as introduced:

Management agreement with Virginia Commonwealth University. Provides a management agreement between the Commonwealth of Virginia and Virginia Commonwealth University pursuant to the Restructured Higher Education Financial and Administrative Operations Act.

Patron: C. Jones

HB 1390 – Higher Educational Institutions; operational authority

Summary as introduced:

Public institutions of higher education; operational authority. Provides operational authority for public institutions of higher education in the areas of information technology, procurement, and capital outlay pursuant to the Restructuring Act of 2005.

Patron: Putney

SB 358 – Virginia Commonwealth University; management agreement with State

Summary as introduced:

Management agreement with Virginia Commonwealth University. Provides a management agreement between the Commonwealth of Virginia and Virginia Commonwealth University pursuant to the Restructured Higher Education Financial and Administrative Operations Act.

Patron: Watkins

SB 442 – Higher Educational Institutions; operational authority

Summary as introduced:

Public institutions of higher education; operational authority. Provides operational authority for public institutions of higher education in the areas of information technology, procurement, and capital outlay pursuant to the Restructuring Act of 2005.

Patron: Houck

GENERAL TECHNOLOGY / MISCELLANEOUS/

HB 324 Accounts, Department of; establishment of division for collection of receivables.

Summary as introduced:

Department of Accounts; establishment of division for the collection of receivables. Establishes the Division for the Collection of Receivables within the Department of Accounts to oversee the Commonwealth's accounts receivables program pursuant to the Virginia Debt Collection Act (§ 2.2-4800 et seq.). The Division will enforce policies and procedures adopted by the Department for reporting, accounting for, and collecting the Commonwealth's accounts receivable and serve as a central clearinghouse providing collection services to state agencies for all accounts receivable.

Patron: Saxman

HB 344 Computer and Television Recovery and Recycling Act; adoption & implementation of recovery plan.

Summary as introduced:

Computer and Television Recovery and Recycling Act; penalties. Requires the manufacturer of

computer equipment and televisions to adopt and implement a recovery plan providing for the reasonably convenient collection, recycling, and reuse of computer equipment and televisions returned by a consumer in the Commonwealth. The manufacturer must also affix a permanent, readily visible label to the computer equipment or television with the manufacturer's brand before a manufacturer may offer computer equipment or televisions for sale in the Commonwealth. Examples of collection methods meeting the recovery plan requirements in this Act include (i) a system by which the consumer may return the computer equipment or televisions free of charge; (ii) a system using a physical collection site; or (iii) a system using collection events at which the consumer may return computer equipment or televisions. Each manufacturer must annually report on the weight of computer equipment and televisions collected, recycled, and reused during the preceding calendar year. The Department shall issue a warning notice to a person on the person's first violation of this article. The penalty assessed against a manufacturer for a violation of this Act may not exceed \$10,000 for the second violation or \$25,000 for each subsequent violation.

Patrons: Plum, Bulova and Scott, J.M.

HB 423 Planning and Budget, Director of Department; required to have searchable budget database website.

Summary as introduced:

Searchable budget database website. Requires the Director of the Department of Planning and Budget to maintain a searchable budget database website that would allow persons to search and aggregate information for individual or specific appropriations or budget items. The Director would be required to have the database operational by July 1, 2009. When fully operational, all data in the database would be maintained for a minimum of 10 years. The bill would require to the Director to work with the Auditor of Public Accounts and the Joint Legislative Audit and Review Commission to avoid any duplication of efforts.

Patron: Marshall, R.G.

HB 497 Center for Innovative Technology; duties, report.

Summary as introduced:

Center for Innovative Technology (CIT); duties. Requires CIT to perform a biennial survey of the Commonwealth's technology industry to assess the current and projected demand for science, math, and technology-related graduates and identify the types of graduates most desired by the technology industry. The bill requires CIT to report its findings to the Joint Commission on Technology and Science and the Commonwealth's institutions of higher education.

Patron: Cosgrove

HB 595 State officials and employees; payment of state funds for certain communication devices prohibited.

Summary as introduced:

State funds; state officials and employees; payment for certain communication devices and services prohibited. Prohibits the use of state funds to pay for the cellular phone, pager, or cable television service of any person unless the service is provided for use in performance of an official or contractual obligation or task.

Patron: Marshall, D.W.

HB 1017 Telework Promotion and Broadband Assistance, Office of; established, report.

Summary as introduced:

Office of Telework Promotion and Broadband Assistance; codified; sunset. Codifies Executive Order 35 (2006) creating the Office of Telework Promotion and Broadband Assistance under the Secretary of Technology. The goals of the Office are to encourage telework as a family-friendly, business-friendly public policy that promotes workplace efficiency and reduces strain on transportation infrastructure. In conjunction with efforts to promote telework, the Office shall work with public and private entities to develop widespread access to broadband services. The provisions of this act expire on July 1, 2018.

Patron: Hugo

HB 1018 Telecommuting; definition.

Summary as introduced:

Definition of telecommuting. Defines telecommuting as a work arrangement in which supervisors direct or permit employees to perform their usual job duties away from their central workplace at least one day per week and in accordance with work agreements.

Patron: Hugo

HB 1019 Telecommuting; state agencies to keep savings.

Summary as introduced:

Telecommuting; state agencies to keep savings. Authorizes state agencies to retain the unappropriated balance in the general appropriation act realized as a direct result of implementing a telecommuting program within the agency.

Patron: Hugo

HB 1021 Telecommuting; establishes goal for state agencies.

Summary as introduced:

State employee telecommuting goal. Establishes a goal for state agencies to have 20 percent of their eligible workforce telecommuting by January 1, 2010.

Patron: Hugo

HB 1020 Freedom of Information Act; electronic meetings of interim study committees.

Summary as introduced:

Freedom of Information Act; electronic meetings; interim study committees. Permits interim study committees of the General Assembly to conduct meetings using electronic communications without

meeting physical presence requirements for a quorum. Members participating in such meetings through electronic communications shall count towards quorum requirements and have full voting rights.

Patron: Hugo

TELECOMMUNICATIONS AND COMMUNICATIONS

HB 487 Communications sales and use tax; allows Bath County to receive percentage of revenues apportioned.

Summary as introduced:

Communications sales and use tax distribution. Allows Bath County to receive a set percentage of the communication sales and use tax revenues apportioned and distributed monthly to localities, beginning July 1, 2008.

Patron: Shuler

HB 545 Telephone service; alternatives to regulation.

Summary as introduced:

Alternatives to regulation of telephone service. Declares that all telephone services, other than lifeline and E-911 services, offered by a telephone company are competitive. Increases in monthly charges for residential dialtone telephone service are capped at \$1.50 per 12-month period through July 1, 2011, though the State Corporation Commission may extend this cap for up to an additional 24 months if the Commission finds that competition or the potential for competition in the market place cannot be an effective regulator of its price. The Commission is required to establish rules to permit any telephone company to detariff telephone services offered to (i) business customers, other than E-911 services, beginning no later than January 1, 2009, and (ii) residential customers, other than lifeline services, beginning no later than January 1, 2010. Prior to detariffing its telephone services, a telephone company may offer promotional rates, terms, or conditions and individual customer pricing for its telephone services in accordance with the Commission's rules for competitive local exchange carriers. Lifeline or E-911 services may be detariffed when the Commission determines that their tariffing is no longer required to protect the public interest. Telephone companies offering competitive telephone services under these provisions are exempted from Commission oversight of their issuance of securities and affiliate transactions.

Patron: Nixon

HB 546 Telephone systems, multiline; alternative method of providing emergency calls.

Summary as introduced:

Multiline telephone systems. Provides that an alternative method of providing call location information exists when a 9-1-1 call to a public safety answering point (PSAP) provides sufficient information to ensure that emergency responders are dispatched to a location at the facility from which the call was placed, where the responders are able to view all of the telephone stations in the contiguous area containing the telephone from which the emergency call was placed. Currently, an alternative method requires responders to be able to view all of the telephone stations at the facility. The measure also provides that the provider of a multiline telephone system acquired or installed on or after July 1, 2009, is required, if reasonably

achievable, to be able to provide calling party information to the 9-1-1 network that connects to the PSAP, or to provide an alternative method of providing call location information. Calling party information allows equipment at the PSAP to perform automatic location identification (ALI) and automatic number identification (ANI). Such providers are required to arrange to update the ALI database with the appropriate master street address guide, valid address and callback information corresponding to the calling party information for each telephone station, and to update the information as soon as practicable for new MLTS installation or within one business day of record completion of the actual changes for previously installed systems. Currently, such providers are required to ensure that emergency calls provide either ALI and ANI or an alternative method of providing call location information.

Patron: Nixon

HB 632 Resource Authority; provisions of broadband services.

Summary as introduced:

Virginia Resource Authority; broadband services. Clarifies that the Virginia Resource Authority may be used as a funding mechanism for all projects involving the provision of broadband services, and not just those utilizing wireless broadband technologies.

Patron: May

HB 1329 Wireless broadband service; state agencies to lease or convey an interest in tower or site.

Summary as introduced:

State-owned communications towers; broadband service. Requires state agencies to lease or convey an interest in a state-owned communication tower or site for which it is responsible to qualified providers of wireless broadband service in order to deploy broadband Internet service in areas of the Commonwealth that are not receiving adequate broadband service. The conveyances will be subject to guidelines adopted by the Department of General Services, and shall require payment of such consideration as the Director of the Department deems appropriate and that is commensurate with the consideration paid for use of comparable space on similar towers or sites.

Patrons: Peace, Johnson, Lewis, Lohr, Marshall, D.W. and Merricks

SB 206 Communications towers, state-owned; wireless broadband service in underserved areas.

Summary as introduced:

State-owned communications towers; broadband service. Requires state agencies to lease or convey an interest in a state-owned communication tower or site for which it is responsible to qualified providers of wireless broadband service in order to deploy broadband Internet service in areas of the Commonwealth that are not receiving adequate broadband service. The conveyances will be subject to guidelines adopted by the Department of General Services, and shall require payment of such consideration as the Director of the Department deems appropriate and which is commensurate with the consideration paid for use of comparable space on similar towers or sites.

Patron: Stuart

SB 262 Communications sales and use tax; allows Bath County to receive percentage thereof.

Summary as introduced:

Communications sales and use tax distribution. Allows Bath County to receive a set percentage of the communication sales and use tax revenues apportioned and distributed monthly to localities, beginning July 1, 2008.

Patrons: Deeds; *Delegate:* Shuler