

Virginia Legislative Record

VOLUME 17, ISSUE 3

AUGUST 2007

HJR 743: Joint Subcommittee Studying Incentives for Fire and Rescue Squad Volunteers

August 23, 2007

Chairman Tom Rust opened the second meeting of the joint subcommittee studying incentives for fire and rescue squad volunteers by welcoming everyone and reviewing the agenda. Guest speakers included representatives from the Virginia Department of Fire Programs (VDFP), the Office of Emergency Medical Services (OEMS), Virginia Municipal League (VML), Virginia Association of Counties (VACo), as well as Dr. Kenneth B. Perkins from Longwood.

Presentations

Virginia Department of Fire Programs (VDFP)

W. G. Shelton, Executive Director of VDFP, described the agency's role in providing fire and emergency services support to communities throughout the Commonwealth. Some of the many VDFP services are financial assistance to communities and organizations; professional development and training programs for emergency responders; public fire and life safety education; research, analysis, and information reporting; operational support to communities during emergencies; advocacy and promotion of best practices; and technical assistance through expertise and consultation.

VDFP revenues are generated from one percent of the gross income of fire-related insurance premiums, with 75% going directly to counties, cities, and towns as aid to localities and 25% going to training and administration. Mr. Shelton discussed four possible incentives to increase the number of volunteers:

- Free local decal for volunteers for one vehicle.
- Personal property tax exemption for one vehicle.
- State tax incentives for volunteers.
- Funding the Volunteer Firefighters' and Rescue Squad Workers' Service Award Program Fund (VOLSAP).

Office of Emergency Medical Services

Speakers on behalf of the Office of Emergency Medical Services were Gary Brown, Director; Scott Winston, Assistant Director; Warren Short, Training Manager; and Rohn Brown, Technical Assistance Coordinator. Since the 2004 JLARC Review of Emergency Medical Services in Virginia Report was published, OEMS has evaluated and addressed many of the issues raised in the report, such as why volunteers leave the emergency medical services field, which include personal conflicts, lack of time to volunteer, as well as poor management and leadership. With the population aged 65 and older in Virginia growing, there is an increased need for emergency medical services. With volunteers making up 51% of all certified fire personnel and EMS providers, agencies cannot afford to lose volunteers. OEMS is responsible for certifying and re-certifying all Virginia EMS providers. The agency has been working on a number of volunteer retention programs and created the *Keeping The Best! Retention Toolkit* for use by Virginia's EMS agencies. OEMS supports the creation of flexible and creative approaches to increase retention by offering technical assistance through the EMS Workforce Development Committee, an on-line recruitment directory, and the agency's Christopher Reeve Recruitment Campaign. OEMS financial assistance

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For more information, visit study websites. DLS Staff members maintain a comprehensive website on each study that contains a complete summary of each meeting and links to additional study information, handouts, and resources.

Dr. Kenneth Perkins from Longwood University stated that any investment made at the state or local level to increase volunteer retention would result in savings each year on the cost of providing emergency services.

provides leadership and management training, advertising, and signs and recruitment materials.

OEMS representatives offered three recommendations for consideration by the members:

- Legislation to ensure that localities have the powers and duty to develop a written emergency response plan in the event the local EMS agency disbands so that local emergency services will remain available.
- Reallocation of funds directly to localities from the Virginia State Police Med-Flight program for incentives to recruit and retain volunteer EMS personnel.
- Legislation to waive or reduce fees for students in a Virginia Community College EMS program who become state certified and affiliated with a licensed EMS agency.

Virginia Municipal League and Virginia Association of Counties

Larry Palmore, Town Manager of Blackstone, spoke on behalf of the VML and Chief Ken Brown of the Goochland County Fire and Rescue Department spoke on behalf of VACo. Each of the representatives supported the consensus of speakers from the first meeting of the joint subcommittee in July, reiterating that retention and recruitment are serious issues, as is leadership. They noted that any help the members could provide would be greatly appreciated and emphasized how important it is for the General Assembly to appropriate some amount of money to VOLSAP, which is administered by the VRS.

Dr. Kenneth B. Perkins, Longwood University

The final speaker was Dr. Kenneth Perkins, Special Assistant to the President for Longwood University. Dr. Perkins' field is sociology and over the years he has done extensive research related to volunteer fire and rescue squad departments, and he is a longtime member of the Prospect Volunteer Fire Department.

Dr. Perkins' research indicates that Americans love to form and participate in volunteer assistance services. Fire and rescue squads differ from one another in that rescue squads have a lot more "sick" calls that are not true emergencies. These calls create fatigue and burnout for many volunteers. The time demands are significant for many EMS volunteers, which is of great concern to Virginia's localities, particularly in rural areas. Dr. Perkins remarked that it should not be assumed that volunteerism is dying out; however, recruitment and retention can be a great problem.

In some localities, volunteer squads have difficulty recruiting what they call "come heres," new residents that move into an area. Recruitment difficulties may also stem from inadequate leadership and a volunteer organization's internal politics. He offered several ideas for the members' consideration, including:

- Educate the populace to not use 911 for "sick" calls.
- Assist with a public awareness campaign at the local level.
- Promote and support leadership training programs for volunteer organizations.
- Compensate volunteers for EMS training.
- Provide a modest stipend/retirement pay for volunteers.

Dr. Perkins added that any investment made at the state or local level to increase volunteer retention would be well worth the money saved each year on the cost of providing emergency services.

Public Comment

Three citizens briefly addressed the subcommittee. One was a volunteer rescue squad member, one was a volunteer firefighter, and one was a lobbyist. Each of the speakers spoke of the important role that volunteer firemen and rescue squad members play in their localities, and they asked the joint subcommittee to help provide the means to educate the community and to fund VOLSAP.

Next Meeting

The next meeting is scheduled for September 24, at which time, the joint subcommittee will hear from Scott Kezmen, an attorney in Virginia Beach, who will discuss the Benshoff FLSA test. The members will also discuss possible legislation.

HJR 743

Joint Subcommittee Studying Incentives for Retention of Fire and Rescue Squad Volunteers

Delegate Thomas D. Rust, Chair

Joan Putney and Amigo Wade, DLS Staff
(804) 786-3591

study website

<http://dls.state.va.us/volunteers.htm>

HJR 584: Joint Subcommittee Studying Medical, Ethical, and Scientific Issues Relating to Stem Cell Research

August 27, 2007

The Joint Subcommittee Studying Medical, Ethical, and Scientific Issues Relating to Stem Cell Research held its first meeting of the interim on August 27, 2007, with Delegate Robert G. Marshall as chair.

HJR 584 continued the study to monitor progress of the Virginia Cord Blood Bank Initiative to examine various ways the bank could be utilized, such as treating victims of a terrorist attack, and continue to review new and emerging issues in stem cell research and treatment.

Virginia Cord Blood Bank Initiative

Dr. David Suttle, Virginia Department of Health, reported that the Virginia Cord Blood Bank Initiative Consortium was currently in the process of incorporating as a nonprofit organization. The Attorney General will select an attorney to assist with the incorporation process. Dr. Suttle explained the progress thus far in researching options for getting a cord blood bank up and running.

There was discussion on Inova Fairfax Hospital's participation in collecting cord blood for New York Cord Blood Bank, which is part of the National Marrow Donor Program. Collection by Inova Fairfax Hospital was solicited because of the Northern Virginia's diverse ethnicity. Specialists from New York Cord Blood Bank trained the Inova staff in collection, as well as the initial processing necessary to preserve the cord blood, which is transported to New York by courier.

Inova Fairfax Hospital is very interested in working with the Virginia Department of Health to begin collecting for a cord blood bank in the Commonwealth. Because the courier service is not run on weekends, cord blood is only collected Sunday through Thursday for the New York facility. Inova representatives stated that cord blood could be collected on Fridays and Saturdays for a Virginia cord blood bank.

Dr. Suttle noted that Virginia has the capacity to make cord blood collection worthwhile and stated that the Virginia Cord Blood Bank Initiative Consortium was looking at two start up approaches. A Virginia cord blood bank could

work with an existing cord blood bank like the one at Duke University Hospital, which has a working process and operates a cord blood storage facility. Duke University Hospital has been very helpful in Virginia's efforts to begin a bank. Partnership with a working center is the fastest way to start collecting cord blood.

The Virginia Cord Blood Bank Initiative Consortium also is in the process of obtaining grants to provide the funding for Virginia to begin its own processing and storage facility. Dr. Suttle explained that in order to receive federal funding, enabling legislation would have to be amended striking the phrase "for Virginians" and allowing cord blood to be available to any match, worldwide, on a first-come, first-served basis. The subcommittee unanimously agreed to support such legislation.

The members agreed to the chairman's suggestion that the joint subcommittee ask the Virginia Congressional Delegation for its help in passing legislation that would simplify the burdensome informed consent process required by the FDA, which is a major factor in the low donation of cord blood.

Next Meeting

The chairman announced that Delegates Moran and Shuler, who carried bills relating to stem cell research last session, would be invited to testify before the joint subcommittee at its second and final meeting of the 2007 interim.

HJR 584

Joint Subcommittee Studying Medical, Ethical, and Scientific Issues Relating to Stem Cell Research

Delegate Robert G. Marshall, Chair

Jessica Eades and Sarah Stanton, DLS Staff
(804) 786-3591

study website

<http://dls.state.va.us/stemcell.htm>

*The Virginia
Cord Blood Bank
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HJR 637: Joint Subcommittee Studying Childhood Obesity

August 29, 2007

Obesity prevention initiatives being tried in other states include grant programs for health program improvement plans, content and reporting requirements for local wellness policies, time requirements for physical education, and statewide nutrition standards.

The Joint Subcommittee Studying Childhood Obesity in Virginia's Public Schools held its second meeting of the 2007 interim on August 29, 2007, with Delegate O'Bannon as chair. The chairman reminded the members of the Healthy Students Summit, sponsored by the Secretary of Education and Secretary of Health and Human Resources, held in Richmond on September 20, 2007. He encouraged the members to attend the program, which is designed to foster collaboration on this issue of local school divisions and health agencies.

Presentations

Dr. Howell Wechsler, Director of the Division of Adolescent and School Health, Centers for Disease Control and Prevention (CDC)

Dr. Wechsler revealed how schools can prevent obesity and how states can assist them in doing so, but emphasized that there is no magic bullet solution to the issue of childhood obesity. He began with an overview and presented statistics on the prevalence of obesity among youth, and showed both health-related and economic consequences associated with obesity. Dr. Wechsler also drew the joint subcommittee's attention to current public opinion about school health programs, including that 65% believe schools should play a major role in fighting the obesity problem. In addition, 74% of parents believe schools should spend more time, or at least the same time, teaching health education as teaching other subjects.

Dr. Wechsler presented a strategy that included several options, making clear that any solution must be comprehensive in scope. First, he noted that any effective effort should be coordinated both across state agencies and also with nongovernmental agencies. Second, states should use state and local data from the out-set to guide decision making and policy formation. The CDC supports and publishes data gathered from the Youth Risk Behavior Survey and recommends participation in the program. Virginia is one of two states that did not participate in the most recent 2005 survey, which compiled data on student's dietary and weight control behavior, physical activity, and height and weight.

The joint subcommittee also heard about successful initiatives in other states, including grant programs for schools to implement health program improvement plans, statewide content requirements for local wellness policies, reporting requirements for school divisions on local wellness policy implementation, time requirements for physical education, nutrition standards, and statewide physical assessment programs.

Penny McConnell, Director of Food and Nutrition Services, Fairfax County Public Schools

Ms. McConnell informed the subcommittee that, since 1986, the Fairfax County Public School (FCPS) division has prohibited the sale of competitive foods (those foods not a part of the official school lunch program) for the entire school day. She also noted that FCPS has a new program for two types of vending. In middle and high school dining rooms, vending machines may only offer the same a la carte items that are available on the food serving lines and beverage machines may only offer milk, 100% juice, and water. Vending machines located outside of the dining rooms are only operational after the school day ends and may contain items other than those offered by the school lunch program offered by the school division.

There was also discussion of the FCPS local wellness policy that focuses on the whole child, the needs of the school community, and the activities of the school day. The policy incorporates the Governor's nutrition standards and the Institute of Medicine's report from the Committee on Nutrition Standards for Foods in Schools.

LaVern Davis, Supervisor of Health Services, and Barry Trent, Coordinator of Health Education, Physical Education, and Driver Education, Roanoke County Public Schools

Ms. Davis and Mr. Trent presented the Roanoke County Public School's Body Mass Index (BMI) Screening Program. Roanoke began the program "in an effort to determine the prevalence of weight problems" among the students in the school division. The program, initiated by the school health advisory board, is entering its fourth year of operation. The speakers noted that the initial goal of the program was to establish baseline data from which to identify the existence of children who are overweight and that are at risk

for being overweight or underweight. The eventual goal of the program is to lower the number of students with weight problems.

The program incorporates several steps, including notification to parents of an upcoming screening test, which is held at the same time as existing vision and hearing screening tests in grades K, 3, 5, 7, and 10. The data is collected by a nurse and the calculated BMI and BMI percentiles are entered into a county-wide data management system. The results of the screening, which include the student's individual results, frequently asked questions, resources, and the county-wide results of the previous years screening, is mailed to the parent of each child that is tested. Finally, the school division analyzes the data and presents it to the superintendent and the school board. The Roanoke County Public Schools will continue to gather and interpret data, revise and refine resources sent to parents, and to use results to implement the county wellness policy.

Bonnie Conner-Gray, Educational Specialist, Henrico County Public Schools

Ms. Conner-Gray, an educational specialist in health, physical education, and driver education, spoke to the members about Henrico County's use of the wireless POLAR E-600 heart rate monitor, which downloads data on students' physical activity to a computer for documentation and analysis. Ms. Conner-Gray stated that the heart rate monitors provide students and teachers immediate feedback on the efficiency of physical activity. The heart rate monitors may also help reduce the risk of over-exertion and elevated heart rates during exercise, because students can monitor their own heart rate. Heart rate monitors may also motivate students to become accountable for their own physical fitness, and the available data may enable teachers to evaluate and improve their instruction.

Ms. Conner-Gray announced the findings of a Henrico County study that suggests academic performance increases when physical activity increases. The study results, which demonstrate a positive correlation between aerobic capacity and SOL scores, will be presented at the Henrico County School Board meeting in September.

David Thorp, Director of Government Affairs, American Beverage Association

Mr. Thorp discussed the American Beverage Association's May 2006 adoption of School Beverage Guidelines. The American Beverage Association along with Cadbury Schweppes, The Coca-Cola Company, PepsiCo, and the Alliance for

a Healthier Generation, have developed guidelines to provide lower calorie, no-calorie, and nutritious and smaller-portion beverage options and to balance nutritional and hydration needs with appropriate caloric consumption. Elementary and middle school guidelines limit beverage offerings to water, milk, and juice, with an 8oz. serving available in elementary school, and a 10oz. serving available in middle school. High school students have up to a 12-ounce serving available and additionally can access diet soft drinks, diet and unsweetened teas, fitness waters, low calorie sports drinks, flavored waters, and seltzers. Additionally, at least 50% of the beverages available to high school students must be water or no-calorie or low-calorie options. These guidelines were adopted through a Memorandum of Understanding, which requires full implementation by August 2009.

Public Comments

The joint subcommittee heard comments from three citizens. A representative from the Virginia Center for Healthy Communities also encouraged the members to support the Walk for Children's Health on November 3, 2007. Money raised from the event will go to communities that have initiatives to prevent and treat childhood obesity.

Next Meeting

The joint subcommittee plans to have at least one additional meeting, to occur after the Healthy Students Summit on September 20, 2007.

HJR 637

Joint Subcommittee Studying Childhood Obesity

Delegate John O'Bannon III, Chair

Jessica Eades and Nikki Seeds, DLS Staff
(804) 786-3591

[study website](http://dls.state.va.us/childobesity.htm)

<http://dls.state.va.us/childobesity.htm>

The members heard reports on initiatives in several school districts, including programs to increase the number of healthy choices in school lunch programs, track students' body mass indexes to help identify possible weight problems, and utilize wireless heart rate monitors to analyze students' physical activity.

HJR 692/SJR 401: Joint Subcommittee to Study Long-Term Funding to Preserve Open-Space Land and Farmlands

August 30, 2007

State appropriations to the Virginia Land Conservation Foundation for the acquisition of parks and open space are inconsistent from year to year and much competition exists for the scarce dollars that are available.

The Joint Subcommittee to Study Long-Term Funding Sources for the Purchase of Development Rights to Preserve Open-Space Land and Farmlands (HJR 692/SJR 401 - 2007) held its second meeting on August 30 at Algonkian Regional Park in Sterling.

The members of the joint subcommittee are Senator Emmett W. Hanger, Jr. (Chairman); Senator John Watkins; Senator Mark R. Herring; Delegate Robert D. Orrock, Sr.; Delegate Thomas C. Wright, Jr.; Delegate Benjamin L. Cline; Delegate Edward T. Scott (Vice-Chairman); Delegate Lynwood W. Lewis, Jr.; and Delegate Albert C. Eisenberg.

The meeting began with a tour of the park grounds that abut the Potomac River. It was disclosed that future parkland acquisitions by the Northern Virginia Regional Park Authority (NVRPA) could include additional open-space land that borders the Potomac River.

Presentations

Paul Gilbert, Executive Director, NVRPA

Paul Gilbert, Executive Director, NVRPA, reviewed the results of a parks survey conducted in the spring. In all, 1,094 households were surveyed in Loudoun County, the City of Fairfax, and the City of Falls Church. Sixty-eight percent of the respondents had visited a park in the prior year. Surveyed respondents listed their preferences for park facilities as follows:

- Paved walking and biking trails (71%).
- Small community parks (69%).
- Large regional parks (60%).
- Historical sites and museums (59%).
- Nature centers and natural areas (59%).
- Indoor pools for recreational swimming (54%).

With regard to the use of taxes for land preservation and conservation, respondents approved of funding for the following:

- Purchase of land to preserve open space and natural areas (44%).
- Development of new walking and biking trails (37%).

- Upgrading of older parks/recreational buildings and facilities (32%).
- Purchase of land for athletic fields and recreational facilities (24%).
- Development of new indoor fitness facilities (23%).

Mr. Gilbert stated that the National Park Service is not currently buying any new land and little resources are left to purchase parkland under the Commonwealth of Virginia Park and Recreational Bond Act of 2002 (House Bill No. 1144; Senate Bill No. 672). In addition, capital contributions from the member jurisdictions comprising NVRPA are inadequate to purchase much additional land. He also mentioned that state appropriations to the Virginia Land Conservation Foundation for the acquisition of parks and open space are inconsistent from year to year and much competition exists for the scarce dollars that are available. Using 10 acres per 1,000 people as a measure for parkland sufficiency, projections by NVRPA show that by 2010 there will be a shortfall of 19,420 acres in Planning District 8 under this standard.

Four park funding proposals were put forth by Mr. Gilbert for the joint subcommittee's consideration. First, state bonds could be issued for park acquisitions with the proceeds of the bonds to be used as the Commonwealth's match in a partnership with local governments to acquire parks. Second, the Commonwealth could use a portion of its annual revenues generated from tourism to develop or expand parks or historical sites that would attract visitors and revenues from nonresidents as well as residents. Third, a higher land preservation tax credit (60% in lieu of the current 40%) could be made available for land donations that grant public access, such as parks. Lastly, local water and sewer authorities could be authorized to charge a "watershed protection" fee or premium, the proceeds of which could be used to acquire parks abutting public drinking water sources.

G. Robert Lee, Executive Director, Virginia Outdoors Foundation

Mr. Lee spoke to the joint subcommittee in regard to elements of conservation easements and provisions of the Virginia Open-Space Land Act and the Virginia Conservation Easement Act. Most of Virginia's preserved land has been

preserved through the use of conservation easements, which are agreements by landowners to limit or restrict development of land. The Virginia Open-Space Land Act, enacted in 1966, authorizes public bodies to acquire open-space lands through the use of conservation easements and other means. The Virginia Conservation Easement Act, enacted in 1988, authorizes certain nonprofit organizations to hold conservation easements. The nonprofit organization must have a principal office in the Commonwealth for at least five years, or be a national organization in existence for at least five years that has an office in the Commonwealth. In comparison to the Virginia Conservation Easement Act, the Virginia Open-Space Land Act contains provisions that make it more difficult for a public body to extinguish a conservation easement. Mr. Lee also noted that easements held by state agencies are less likely to be subject to eminent domain.

All agencies of the Commonwealth may hold conservation easements. Among state agencies, the Virginia Outdoors Foundation by far holds the majority of open-space easements. The Virginia Department of Historic Resources, the Virginia Department of Conservation and Recreation, and the Virginia Department of Forestry are other state agencies holding open-space easements. Some of the funding sources for purchasing conservation easements include state and local bond issuances; appropriations to the Virginia Land Conservation Foundation and the Virginia Open-Space Lands Preservation Trust Fund; federal, state, and local grants; grants from private parties and nonprofit organizations; and court orders and decrees.

NVRPA and VRA Panel Session

As part of the meeting, the joint subcommittee was afforded the opportunity to ask questions of a panel consisting of several Northern Virginia park directors and representatives of the Virginia Resources Authority (VRA). It was learned that the park directors have targeted certain parcels for future parks, but NVRPA lacks the capital needed to make any significant land acquisitions. The cost of real estate in Northern Virginia is extremely expensive. As an example, the joint subcommittee was told that a small lot in Arlington could cost as much as \$5 million. The VRA representatives recommended a statutory change that would allow VRA to raise capital for parks and park facilities. Currently, VRA can issue debt with the proceeds to fund land conservation programs, but it is at least questionable whether or not VRA can issue debt with the proceeds to be used for acquiring parks or park facilities.

Next Meeting

The date for the next meeting of the joint subcommittee will be posted on the DLS sponsored website as soon as it is available.

HJR 692/SJR 401

*Joint Subcommittee Studying
Long-Term Funding Sources for the
Purchase of Development Rights to
Preserve Open-Space Land
and Farmlands*

Senator Emmett W. Hanger, Jr., Chair

Mark Vucci, David Rosenberg,
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[study website](#)

<http://dls.state.va.us/land.htm>

The members had the opportunity to ask questions of a panel consisting of Northern Virginia park directors and representatives of the Virginia Resources Authority.

Most joint subcommittees shall complete their meetings for the first year by November 30, 2007, and for the second year by November 30, 2008, and submit to DLAS an executive summary of their findings and recommendations no later than the first day of the next Regular Session of the General Assembly for each year.

HJR701/SJR390: Joint Subcommittee Studying Liability Protections for Health Care Providers

August 30, 2007

Health care providers are concerned with liability risks associated with a failure to prepare, a failure to respond, and treating patients under circumstances of "altered" standards of care.

The Joint Subcommittee to Study the Feasibility of Offering Liability Protections to Health Care Providers Rendering Aid During a State or Local Emergency held its first meeting on August 30, 2007, with Delegate Phillip A. Hamilton as chair and Senator Stephen D. Newman as vice-chair.

Overview

Staff presented an overview of the study's directives. HJR701 and SJR 390 note that health care providers who respond to a disaster or declared emergency often do not have access to the same level of resources that would be available under normal circumstances. During an emergency, health care providers must make decisions as to what level of care can be rendered based upon available resources and may also be required to render aid that is outside their scope of practice. The members will examine what other states provide and the benefits to Virginia's citizens and health care providers of providing enhanced liability protection in the event of a state or local emergency.

Presentations

Health Care Provider Liability in Disasters

Steven D. Gravely, J.D., M.H.A., a member of the joint subcommittee and an attorney with Troutman Sanders, made a presentation by teleconference on health care provider liability protections in disasters and the protections currently available under Virginia law. Mr. Gravely was also appointed as a special counsel to the Attorney General's office and assigned to work with the Virginia Department of Health on health care provider liability. Erin S. Whaley, J.D., M.A., who was present at the meeting, assisted in the presentation.

Mr. Gravely described a health care system that is under significant stress, where staff shortages exist and the industry has migrated to a "just in time" model of care, and explained that a disaster or emergency would cause substantial disruptions to the health care system. During a disaster, health care providers are concerned regarding three areas that are associated with liability risks:

- Failure to prepare.
- Failure to respond.
- "Altered" standards of care.

Two examples discussed were the failure to use infection control measures in response to the SARS outbreak in Canada and the failure to evacuate in a timely manner in response to Hurricane Katrina in Louisiana. There were multiple lawsuits against health care providers and the government as a result of these failures.

Mr. Gravely explained that there is no precise definition for "altered" standards of care, but the term has become shorthand for describing the allocation of the scarce, critical resources needed to treat victims during a disaster. He further noted that making such an allocation is difficult to do in a legal vacuum. The current statutory definition of standard of care makes no provision for the circumstances under which the care was rendered, although he noted that Virginia's Model Jury Instructions do include such a provision. He noted that there is no Virginia case law dealing with "altered" standards of care and jury instructions are not mandatory.

Current Virginia law providing liability protections for health care providers and the three primary sources of liability protection for providers were reviewed. Mr. Gravely stated that in recent years Virginia has focused attention on providing protections for individual health care providers, specifically volunteers.

The first law of note is Virginia's Good Samaritan statute located at § 8.01-225. The Good Samaritan statute only applies to individuals who provide emergency care without compensation and only if care is provided at the scene of an accident or emergency. The law does not apply to institutional health care providers or provide liability protections for individual providers who render such care as part of their job for compensation or who provide care at hospitals or other non-emergency settings. The law does not protect providers who render preventative care during an emergency.

The second law provides volunteer immunity and is available under the Federal Volunteer Protection Act, located at 42 U.S.C. § 14501 et seq., or the Virginia State Government Volunteers Act, located at § 2.2-3600 et seq. Mr. Gravely stated that both of these Acts only apply to volunteer health care providers and not institutional health care providers.

The Commonwealth of Virginia Emergency Services and Disaster Law, § 44-146.13 et seq., was also reviewed. Mr. Gravely explained that the law gives the Governor the power to declare a state of emergency, and that consistent with such a declaration, he may also allocate scarce medical resources during the emergency. The law expressly provides immunity in certain situations, described as Section A Immunity and Section C Immunity. Section A Immunity provides liability protections for certain entities engaged in emergency services activities, however Mr. Gravely stated that it was unclear whether the rendition of care in a hospital setting during an emergency would qualify for this protection. Section C Immunity provides liability protections for providers who gratuitously render aid during a disaster. Section A and Section C Immunity only applies after a state of emergency is declared and provides no pre-declaration protection. Mr. Gravely expressed his belief that basing liability protection on an emergency declaration that has yet to be drafted leaves significant uncertainty as to the scope of protection. He also offered the following three conclusions:

- Health care providers have a reasonable basis for concern about their liability for care rendered during a disaster.
- Health care providers are a vital component in an effective response framework.
- Current Virginia law does not clearly provide liability protections for health care providers who render care during a disaster.

Virginia Department of Health's Role in Emergency Preparedness and Response

Dr. Lisa Kaplowitz, M.D., M.S.H.A., Deputy Commissioner for Emergency Preparedness and Response, made a presentation on behalf of the Virginia Department of Health (VDH) explaining its role in emergency preparedness and response. The presentation focused on five issues:

- Virginia's public health emergency response.
- Hospital/health care system emergency response.
- Public health and health system partnership.
- Role of health care providers.
- Liability protections for health care providers in emergencies.

In addressing these issues, Dr. Kaplowitz noted that the VDH's Emergency Preparedness and Response Programs (EPR) were established in 2002 and employs an all-hazards approach, preparing for both natural disasters and terrorist

related emergencies. The VDH, with funding from the Centers for Disease Control and Prevention and the United States Department of Health and Human Services, has implemented the following:

- Enhanced local capacity to respond to emergencies through the hiring of a planner and epidemiologist for each of Virginia's 35 District Health Departments.
- Five regional teams to coordinate planning and response.
- Upgraded information and communications technologies and systems and improved public emergency information.

There was discussion on the initial response to an emergency at the local level and the role of the Governor in declaring an emergency. The members directed staff to research these procedures and provide them with information at the next meeting.

Dr. Kaplowitz explained that, under the coordination of the Virginia Emergency Operations Center (VEOC), the VDH is responsible for Emergency Support Function 8: The Coordination of Public Health/Health and Medical Response. The VDH's Emergency Coordination Center operates to fulfill this function on the state and local level through coordinating the Public Health response, coordinating hospital and long-term care response, and communicating with health care provider systems and linking them to the VEOC.

There was discussion on the importance of partnerships with private and public health care providers. Dr. Kaplowitz stressed that the mission of the VDH is disease control and prevention, not the provision of health care. As most health care is provided by the private sector, the VDH has partnered with the Virginia Hospital and Healthcare Association to manage and coordinate the use of federal funds for health system preparedness. The VDH collaborates with the health care community, hospitals, and individual physicians on issues of preparedness; helps to coordinate volunteer health care providers, such as those in Medical Reserve Corps; and is developing a statewide system for registering and identifying volunteers. Dr. Kaplowitz noted that in these partnerships, the potential for liability is a primary concern for health care providers, because during an emergency, they are operating outside of their normal practice environment.

The joint subcommittee members will explore whether or not Virginia's laws provide the necessary liability protections for health care providers who render care during a disaster or emergency.

A Medical Society of VA spokesman noted that current Virginia law provides for liability protections only when physician services are rendered without compensation, which is the case with most all physicians who respond in emergencies, but providers would like to be able to recover their expenses without losing liability protections.

Emphasizing the many challenges that health care providers would face in a disaster, Dr. Kaplowitz concluded by sharing VDH planning for a pandemic influenza outbreak, illustrating the agency's role in emergency preparedness.

Medical Society of Virginia

Gerald C. Canaan, II, an attorney with Hancock, Daniel, Johnson & Nagle, P.C., spoke on behalf of the Medical Society of Virginia (MSV). He explained that the MSV was more focused on health care provider liability from the standpoint of individual physicians, and not that of institutional health care providers such as hospitals. The MSV does not perceive that there is a large problem with the liability protections already afforded individual physicians under current Virginia law.

The primary concern of the MSV regarding health care provider liability protections is the issue of compensation. Mr. Canaan noted that current Virginia law, such as the Good Samaritan statute or the Emergency Services and Disaster Law, provides for liability protections only when the physician's services are not rendered for compensation. He stressed that physicians who respond to disasters and emergencies are typically not looking for compensation, however, they would like to be able to recover their expenses without losing their liability protections. Physicians who accept reimbursement from charitable organizations or other entities for expenses such as travel costs or the cost of supplies may no longer be able to invoke liability protections if such reimbursement is considered compensation.

Mr. Canaan gave examples of small "tweaks" that could be made to clarify current Virginia law, including alleviating a potential discrepancy between the Good Samaritan statute, which uses the term "without compensation," and the Emergency Services and Disaster Law, which uses the term "gratuitously." He also discussed an omission in § 8.01-225.01 that provides liability protections for health care providers that abandon a patient in order to respond to a man-made disaster, noting that the protections of this statute do not apply to physicians responding to a natural disaster.

Work Plan and Next Meetings

Suggested topics for future discussion include the following:

- How the federal government handles health care provider liability in emergency situations, such as accidents on military bases involving multiple casualties.
- Potential criminalization of physicians' actions in response to emergencies as illustrated by the case of Dr. Anna Pou in Louisiana.
- Emergency declaration process on the local, state, and federal levels and comparison of the different types such as hurricanes and natural disasters, pandemics, etc.
- Liability protections available prior to the declaration of an emergency, focusing on issues such as negligent planning.
- What other states are doing to protect health care providers who render aid during emergencies.
- Recommendations for possible legislation.

The next meeting of the joint subcommittee is planned for the last week of September and information will be posted available online on the DLS sponsored website and the General Assembly Calendar.

HJR 701/SJR 390

Joint Subcommittee to Study Liability Protections for Health Care Providers in Emergencies

Delegate Phillip A. Hamilton, Chair

David Cotter and Greg O'Halloran, DLS Staff
(804) 786-3591

study website

<http://dls.state.va.us/Liability.htm>

HJR 611: Joint Subcommittee to Study Science and Technology Education in Graduate Programs

September 5, 2007

The joint subcommittee directed to study ways to promote the inclusion of science and technology education in business, law, and policy graduate programs at state institutions of higher education, held its second meeting on September 5, 2007, with Delegate Harry R. Purkey serving as chair and Senator Frank M. Ruff, Jr., as vice-chair.

Produced in Virginia

Dr. James Groves, Assistant Dean for Research and Outreach at the University of Virginia School of Engineering and Applied Science, provided the joint subcommittee with a presentation regarding its "Produced in Virginia" engineering program. The pilot program, developed in conjunction with the Central Virginia Community College in Lynchburg and area industries such as Areva and Micron Technologies, allows students to earn an associate's degree in engineering at community college, and then continue their studies towards a bachelor's degree in engineering from the University of Virginia while remaining in their communities.

Students began Central Virginia Community College's new Associate of Science in Engineering program this fall; University of Virginia anticipates making bachelor's level engineering classes available to students who complete the associate's degree beginning in May of 2009. The University of Virginia classes will be offered in an online, asynchronous distance learning format. The goal of the program is to provide greater access to an engineering education in the Commonwealth, while allowing students to stay in their community. More information about the program is available online at www.seas.virginia.edu/producedinva.

Integrated Science and Technology Programs

Dr. Ron Kander, head of the Department of Integrated Science and Technology (ISAT) at James Madison University, provided an overview of the ISAT programs. The undergraduate degree program, which graduated its first class in 1997, was designed in response to a legislative

challenge to develop "degrees of the future." ISAT now offers a graduate program, as well as the opportunity for undergraduate majors to seamlessly move into an MBA program after graduation.

The focus of the ISAT program is a new way to teach applied sciences. Instead of studying individual science fields, such as biology or chemistry, students focus on problems with a scientific component ~ such as how to develop renewable energy or bioinformatics issues. Students study not only the sciences related to these issues, but also the social, economic, political, legal, and ethical issues components of the issues. There is also a strong focus on critical thinking and communication skills in the program. More information about the ISAT program can be found at www.jmu.edu/cisat/.

Business Perspective

Doug Koelemay, representing the Northern Virginia Technology Council (NVTC), responded to requests from the joint subcommittee at its first meeting to get a business perspective on the need to incorporate science, technology, and math education into business, law, and policy programs. He said that NVTC surveyed two groups of businesses with questions such as:

How important is a science background for a job applicant?

Would a science or technology background help in a policy-related position?

Is your company satisfied with the amount of science and technology education currently provided in policy education programs?

Companies that elected to serve on NVTC's legislative and policy committee were among the first to answer the questions. While there were no absolute answers, the group largely conveyed that the marketplace would dictate education needs and market competitiveness would drive students to seek the skills and specialties necessary to acquire good jobs. Instead of focusing on science and technology education at the graduate level, the group felt emphasis should be placed on supplying the science, technology, engineering, and math (STEM) pipeline in general, emphasizing that robust instruction be available in these areas.

"Produced in Virginia" is a pilot engineering program developed in conjunction with Central Virginia Community College and Lynchburg industries, which allows students to earn an associate's degree in engineering from the community college and then continue to earn a bachelor's degree in engineering from the University of Virginia.

The joint subcommittee will explore ways that innovative tax policies, such as tax credits, could be used to encourage private sector investment in stipends and graduate research.

The second group surveyed was comprised of large government contractors located in the Northern Virginia area. The group felt that it would be helpful for policy graduates to have a STEM background. Responses also revealed that the group thought that graduate programs in business, policy, and law should offer classes in understanding technology. The group stated that a graduate with a STEM background would have an advantage over an otherwise comparable candidate.

Several representatives from public institutions of higher education in the Commonwealth were present at the meeting to answer questions from the members and to talk about current efforts to create interdisciplinary programs. One theme that emerged was the need for more graduate stipends to encourage graduate education. Delegate Purkey suggested that the joint subcommittee explore ways that innovative tax policies, such as tax credits, could be used to encourage private sector investment in stipends and graduate research.

In setting the agenda for future meetings, the joint subcommittee identified several issues for future discussion, including:

- Creating tax incentives, such as tax credits.
- Incorporating STEM education into graduate business, law, and policy programs.

- Researching the number of graduate students that remain in Virginia after they complete their degree.
- Developing an issue statement to guide the joint subcommittee in its directives.

Work Plan and Next Meeting

The joint subcommittee will meet again in early October and the date will be posted online on the DLS sponsored website and the General Assembly Calendar when available.

HJR 611

Joint Subcommittee to Study Science and Technology Education in Graduate Programs

Delegate Harry R. Purkey, Chair

Lisa Wallmeyer and Jessica Eades, DLS Staff
(804) 786-3591

study website

<http://dls.state.va.us/TechHigherEd.htm>

Study Meeting Calendar for September '07

<i>Study/Commission Name</i>	<i>Meeting Information</i>	<i>DLS Staff</i>
Fire and Rescue Squad Volunteers Recruitment and Retainment	10:00 a.m., Monday, September 24, 2007 General Assembly Bldg, House Room D	Joan Putney, Amigo Wade
U.S. 460 Communications Committee	10:00 a.m., Wednesday, September 26, 2007 General Assembly Bldg, House Room D	Alan Wambold
Prisoner Reentry to Society	1:00 p.m., Wednesday, September 26, 2007 General Assembly Bldg, Senate Room A	Sarah Stanton, Brenda Edwards
Liability Protection for Health Care Providers	1:00 p.m., Thursday, September 27, 2007 General Assembly Bldg, 9th Floor Conference Room	David Cotter, Greg O'Halloran

Meetings may be added at anytime, so please check the General Assembly and DLS websites for updates.

COMMISSIONS and COUNCILS

Legislative Commissions and Advisory Councils are also staffed or monitored by Division of Legislative Services and some, such as FOIA and JCOTS and others that are featured in the Legislative Record, have independent, comprehensive websites that contain a wealth of information regarding research, proposed legislation, and ongoing activities and scheduled workshops. Be sure to visit each respective Commission and Council website for more detailed information.

Manufacturing Development Commission *8-14-2007*

The first meeting of the Manufacturing Development Commission for 2007 was held at the Liebherr Mining Equipment Company in Newport News with Senator Frank Wagner as chair.

ENVIRONMENTAL BOARDS

Kathy Frahm, Director of DEQ's Division of Policy, briefed the Commission on legislation from the 2007 Session that would restructure Virginia's environmental boards.

House Bill 3113 and Senate Bill 1403 would replace the current Waste Management Board, Air Pollution Control Board, and Water Control Board with an 11-member Board of Environmental Quality. The new board would set regulations and environmental standards and the tasks of issuing permits and making enforcement issues would be assigned to the Department of Environmental Quality (DEQ). A new Environmental Appeals Board would be established to hear appeals on permit decisions. Ms. Frahm noted that the structure proposed by House Bill 3113 and Senate Bill 1403 increases transparency and public access in significant waste and air permitting decisions. To become law, these bills must be reenacted during the 2008 General Assembly.

Following the 2007 Session, DEQ was asked by the Senate and House Committees on Agriculture and Natural Resources to implement a stakeholder process to evaluate the legislation and recommend possible amendments. A public hearing was held on May 31, 2007, and three additional meetings will be held in September and October. DEQ will make its report to the Committees in November. Issues that will be discussed include:

- The proposed new appeals board.
- Three existing boards versus a single Board of Environmental Quality.
- Board membership and makeup.
- The decision making process regarding permits.

The Virginia Manufacturing Association asked that the members examine, as a model, the appeals board implemented in Tennessee.

VIRGINIA ENERGY PLAN

Stephen Walz, Senior Advisor to the Governor for Energy Policy, provided an update on the Virginia Energy Plan (VEP). Legislation from the 2006 Session directed the Department of Mines, Minerals and Energy to prepare a comprehensive VEP proposing actions covering the ensuing 10-year period that will implement the Commonwealth Energy Policy. The VEP, which is scheduled to be released by September 2007, has been revised since a draft was provided to the Commission in July. The latest draft clarifies four overall goals:

- Increasing Virginia's energy independence.
- Expanding consumer energy education.
- Reducing greenhouse gas emissions.
- Increasing energy-related economic development and research and development.

The VEP provides for increasing energy independence over the next decade by reducing the rate of growth in energy use by 40% and increasing in-state energy production by 20%. The VEP estimates the costs of energy efficiency programs by electric utilities to be an average of \$300 million, of which \$100-\$120 million would be invested by utilities and \$180-\$200 million would be a consumer match. The savings from such programs are estimated to be \$50 million per year, or \$500 million of lifetime savings for each year's investment. Other recommendations expected to be included in the final VEP include:

- Enhancing the electric, natural gas, petroleum, and coal elements of the state's energy infrastructure.
- Reducing carbon emissions.
- Providing consistent funding for energy research and development.
- Targeting new jobs and capital investment in priority areas of nuclear technologies, alternate transportation fuels, coastal energy production, and carbon sequestration.

In response to discussion instigated by Delegate Purkey, Mr. Walz agreed to consider whether the VEP should address the advisability of changes in federal policies regarding tax incentives for ethanol production and tariffs on imported ethanol.

TECHNICAL DIPLOMAS IN VIRGINIA'S HIGH SCHOOLS

Michelle Vucci, Director of Policy at the Virginia Department of Education (VDOE), reported on efforts to implement House Bill 2039 and Senate Bill 1147, which direct the VDOE to establish requirements for a technical diploma and advanced technical diploma. The technical diploma is required to meet or exceed the requirements of a standard diploma and include a concentration in career and technical education.

The VDOE has initiated the process for amending its regulations governing accrediting standards for graduation requirements in order to address the technical diploma and advanced technical diploma. As part of this process, the VDOE conducted a forum on July 24, 2007, at which numerous organizations provided comments on the requirements for the technical diplomas. Comments from the forum included the need for students to have the skills to be trainable employees; the need for a good assessment-based credential that provides a uniform measure of key workplace skills; the need for promotion of technical diplomas to students, parents, and potential employers; and the fostering of partnerships between the VDOE, local school divisions, institutions of higher education, and the business community.

The VDOE will hold a second forum in September to receive additional comments and seek feedback on the establishment of technical diplomas and advanced technical diplomas. Ms. Vucci solicited questions and discussion from the members on the following topics:

- What skill set is most needed in the workplace today?
- In addition to soft skills, what hard skills are in greatest demand?
- Does demand vary by region?
- What partnerships between business and education currently exist that could enhance student training and education opportunities?
- How could these partnerships be used to promote technical diplomas?

A draft set of requirements is anticipated to be available for public comment in late fall. Chairman Wagner committed to working with Delegate Hamilton, the patron of House Bill 2039, to notify other members of the General Assembly of the opportunity to provide comments on the elements of technical diplomas.

ENERGY CONSERVATION PROCEEDING

David R. Eichenlaub, Assistant Director of the SCC's Division of Economics and Finance, updated members of the Commission on the status of the State Corporation Commission's (SCC) energy conservation proceeding. The proceeding was established in June pursuant to Senate Bill 1416 and House Bill 3068 from the 2007

Session. While the primary purpose of that legislation was to re-regulate elements of Virginia's electric utility industry, the measures include a clause that establishes a statewide goal of reducing the consumption of electric energy by retail customers through the implementation of fair and effective demand side management, conservation, energy efficiency, and load management programs, including consumer education, by the year 2022 by an amount equal to 10 percent of the amount of electric energy consumed by retail customers in 2006. The SCC is directed to conduct a proceeding to:

- Determine whether the 10 percent electric energy consumption reduction goal can be achieved cost-effectively, and if not, to determine the appropriate goal for the year 2022 relative to base year of 2006.
- Identify the mix of programs that should be implemented in the Commonwealth to cost-effectively achieve the defined electric energy consumption reduction goal by 2022.
- Develop a plan for the development and implementation of recommended programs, with incentives and alternative means of compliance to achieve such goals.
- Determine the entity or entities that could most efficiently deploy and administer various elements of the plan.
- Estimate the cost of attaining the energy consumption reduction goal.

An SCC workgroup was formed to gather data and report on these directives with subgroups to focus on areas such as reducing demand peaks, consumption reduction goals, financial considerations, and education.

NEXT MEETING

Additional information and the date of the Commission's next meeting will be posted on its DLS sponsored website as soon as available.

MANUFACTURING DEVELOPMENT COMMISSION

THE HONORABLE FRANK W. WAGNER, CHAIR

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Virginia Sesquicentennial of the American Civil War Commission Workgroup 3 (Education) 8-15-2007

Workgroup 3 (Education) of the Virginia Sesquicentennial Anniversary of the American Civil War Commission held its organizational meeting on August 15, 2007, in Richmond. The Commission was established by the 2006 General Assembly to prepare, lead, and coordinate Virginia's commemoration of the 150th anniversary of the American Civil War. Together with an Executive Committee and Advisory Council, the Commission has established three workgroups, consisting of numerous experts, elected officials, state and local agency staff, and citizens representing a myriad of disciplines, professional associations, and community organizations throughout the Commonwealth to assist it with its work: Workgroup 1 (Coordination); Workgroup 2 (Signature Events); and Workgroup 3 (Education).

RESPONSIBILITIES OF WORKGROUP 3 (EDUCATION)

One of the most important objectives of the commemoration of the 150th anniversary of the American Civil War in Virginia is educating and providing complete and historically accurate information to citizens, particularly students, young adults, and newcomers to the state concerning the war, Virginia's role, the legacy of the war, and the significance of the war to contemporary society. To this end, the Education Workgroup has responsibility for the following:

- **Participation of the public education community.** To stimulate awareness, enhance knowledge, and promote interest and appreciation of this era in American history and life; place events in historical context, particularly relative to new research findings; and facilitate an understanding of the significance of this historical period to contemporary society.
- **Review of the Standards of Learning for History and Social Studies.** To review the Standards of Learning for History and Social Studies, its curriculum framework, and the Enhanced Scope and Sequence Guides to ensure that the instructional blueprint is current, balanced, and accurate in its account of American Civil War history, preceding, during, and after the War. To provide supplemental instructional materials and resources for teachers. To stimulate an avid interest in history and the love and appreciation of lifelong learning and academic excellence among students and to promote the development of critical thinking and analytical skills. To promote mastery of academic skills required by SOLs and NCLB, improved SOL pass rates, and increased student knowledge of history, particularly American Civil War history.
- **Teacher institutes.** To equip classroom teachers to impart relevant, timely, and historically accurate instruction to students concerning the American Civil War,

including, but not limited to its prelude, duration, aftermath, and legacy, through creative and innovative instructional modalities that accommodate student learning styles, are consistent with the Standards of Learning in History and Social Studies, and enable teachers to satisfy in-service training requirements.

- **Participation of institutions of higher education.** To marshal the collective assets and expertise of institutions of higher education to promote and coalesce academic inquiry and scholarly research pertaining to the American Civil War. To facilitate public discourse concerning this period in American history, Virginia's role, the legacy of the war, and the implication and application of lessons learned.
- **Law school symposia.** To educate the citizenry and examine, reflectively, the historical, political, social, and legal context of the 13th, 14th, and 15th Amendments of the United States Constitution, their significance to the foundation and reinforcement of the Rule of Law, and the relevance of these Amendments to the legacy of the war and contemporary national and global issues.
- **Participation of public libraries.** To ensure the broad diffusion of information concerning the commemoration of the sesquicentennial and the availability and access of commemorative materials, documents, exhibits, and resources to citizens throughout the Commonwealth.

OVERVIEW OF THE COMMISSION

Cheryl Jackson, Commission Coordinator, presented an overview of the Commission's statutory duties, organization, activities, and plans. Ms. Jackson commented that Virginia is the only state with advanced planning and an established statewide commission to commemorate the sesquicentennial anniversary of the war. She also summarized the history and activities of the centennial commemoration in Virginia to provide the background and context for planning the 150th commemoration, noting similarities between the commemorations, mistakes to avoid and lessons learned, and the gateway before the Commission to maximize and market the Commonwealth's educational, economic, tourism, and historical assets, demonstrate national leadership, and ensure the participation of all citizens in the observance of this significant mark in American history.

WORKGROUP DELIBERATIONS

Members of the Education Workgroup were canvassed prior to the meeting to ascertain their perspectives concerning the "message" that students and the public should receive prior to and during the commemoration of the sesquicentennial of the American Civil War. A roundtable discussion was devoted to a candid airing of comments, perspectives, and suggestions regarding the message that should be promoted, various mechanisms for delivering the message to specific audiences, collaboration among the public and private

and higher education systems, community involvement, diversity among the membership of the workgroup, the importance of inclusiveness and the investment of all citizens in the commemoration, and ways to encourage their participation. Common themes and points of agreement identified from among the comments and suggestions solicited of the workgroup members prior to the meeting were summarized by Brenda Edwards, staff contact for Workgroup 3, who also presented proposed objectives and specific strategies to accomplish each of the workgroup's goals.

WORK PLAN AND FUTURE MEETINGS

The staff's proposed objectives were adopted as the framework for the workgroup's plans. Workgroup members were asked to submit additional ideas, suggestions, and cost estimates to assist the staff in refining the objectives and establishing priority events, programs, and activities. Using the members' contributions and other information, the staff was directed to construct a definitive work plan for the Workgroup's consideration at its next meeting.

A summary of the workgroup's meeting and proposed objectives will be presented by Delegate Algie Howell, the workgroup chairman, to the Executive Committee and the Commission. When a date is chosen for the next workgroup meeting it will be posted to the DLS sponsored website and the Commission website.

VIRGINIA SESQUICENTENNIAL OF THE AMERICAN CIVIL WAR COMMISSION, WORKGROUP 3 (EDUCATION)

THE HONORABLE ALGIE T. HOWELL, JR., CHAIR OF
WORKGROUP 3 (EDUCATION)

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<http://www.virginiacivilwar.org>*

Commission Meetings for September '07

Joint Meeting of Coal and Energy Commission and Electric Utility Restructuring Commission	10:00 a.m., Wednesday, September 19, 2007 General Assembly Bldg, House Room D	Frank Munyan
Civil War Commission	10:00 a.m., Wednesday, September 26, 2007 Belmont Estate, Fredericksburg	Cheryl Jackson, Brenda Edwards
Martin Luther King Jr. Commission	10 a.m., Thursday, September 27, 2007 Capitol, House Room 1	Brenda Edwards
Unemployment Commission	1:00 p.m., Thursday, September 27, 2007 General Assembly Bldg, Senate Room A	Frank Munyan

Meetings may be added at anytime, so please check the General Assembly and DLS websites for updates.

REGULATORY ALERT

A CONVENIENT GUIDE TO REGULATORY ACTIVITY IN THE COMMONWEALTH

The Regulatory Alert is intended to assist General Assembly members as they keep up with the myriad regulations being proposed by agencies in the Commonwealth. The goal of this project is to provide a timely, simple, and accurate summary of the rules that are being proposed by agencies, boards, and commissions. Highlighting regulations when they are published as "proposed regulations" gives General Assembly members notice that the critical public participation phase of the rulemaking process is well underway. It is during the public participation process that the questions of an Assembly member or constituent may be most effectively communicated to the agency and examined by the individuals crafting the regulatory proposal.

The Regulatory Alert is not intended to be a substitute for the comprehensive information on agency rulemaking activity that is currently published biweekly in the *Virginia Register of Regulations* or the notification services offered by the Regulatory Town Hall website maintained by the Department of Planning and Budget. It is hoped that the Legislative Record will assist all members as they monitor the development, modification, and repeal of administrative rules in the Commonwealth. Access the *Virginia Register of Regulations* online at <http://legis.state.va.us/codecomm/register/regindex.htm> or contact epalen@leg.state.va.us or the Code Commission staff at (804) 786-3591 for further information.

TITLE 6. CRIMINAL JUSTICE AND CORRECTIONS

CRIMINAL JUSTICE SERVICES BOARD

6VAC20-160. Rules Relating to the Court-Appointed Special Advocate Program (CASA (amending 6VAC20-160-10 through 6VAC20-160-40, 6VAC20-160-80, 6VAC20-160-100, 6VAC20-160-110, 6VAC20-160-120).

A public hearing will be held November 16, 2007 at 10 a.m. in the General Assembly Building, House Room C, 910 Capitol Street, Richmond, VA. Public comment may be submitted to the Criminal Justice Services Board until November 2, 2007.

The Criminal Justice Services Board (board) proposes to amend its rules for the court appointed special advocate (CASA) program in several ways. The board proposes to (i) change the staff-to-volunteer ratio that CASA programs must maintain, (ii) reduce from three to two the number of children/sibling groups for whom a CASA volunteer may advocate

at any one time, and (iii) allow volunteer training obtained before application to a local CASA program to count toward required training hours so long as that training meets National Court Appointed Special Advocate Association (NCASAA) standards. The board also proposes to specify the topics that must be covered in training for new CASA governing board members and require a central registry background check for all volunteer applicants who have lived outside of Virginia any time in the last five years.

For additional information please contact Judith Kirkendall, Regulatory Coordinator, Department of Criminal Justice Services, Richmond, VA, telephone (804) 786-8003, fax (804) 786-0410, or email judith.kirkendall@dcjs.virginia.gov.

TITLE 17. LIBRARIES AND CULTURAL RESOURCES

LIBRARY BOARD

17VAC15-120. Regulations Governing the Destruction of Public Records Containing Social Security Numbers (adding 17VAC15-120-10, 17VAC15-120-20, 17VAC15-120-30).

Written public comment may be submitted to the Library Board until November 2, 2007.

The proposed regulation addresses best methods for destruction of public records containing social security numbers so that the social security numbers in these records cannot be used for identity theft. The regulation provides that any public records, regardless of media, that contain social security numbers are to be destroyed at the end of their retention period in a manner that protects the confidentiality of the information. These records are to be destroyed, made electronically inaccessible, or erased so as to make social security numbers unreadable by any means.

For additional information please contact Conley Edwards, State Archivist, Library of Virginia, Richmond, VA, telephone (804) 692-3554, fax (804) 692-3600, TTY 804-692-3976, or email conley.edwards@lva.virginia.gov.

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

REAL ESTATE APPRAISER BOARD

18VAC130-20. Real Estate Appraiser Board Rules and Regulations (amending 18VAC130-20-10, 18VAC130-20-70, 18VAC130-20-180, 18VAC130-20-200, 18VAC130-20-230).

A public hearing will be held on October 16, 2007, at 10 am, at the Department of Professional and Occupational Regulation, The Perimeter Center, 9960 Mayland Drive, Second Floor, Richmond, VA 23233. Written public comment may be submitted to the Real Estate Appraiser Board until November 2, 2007.

The proposed amendments (i) reword the definitions of “certified residential real estate appraiser” and “licensed residential real estate appraiser” to ensure that appraisers provide

review appraisals only for those properties for which they are licensed to appraise, (ii) amend application requirements for prelicensure courses and instructors to require that submitted applications be completed within 12 months of the date of receipt of the application and fee, (iii) require that licensees produce documents requested by the board within 10 working days of the request and broaden the definition of documents to include work files and electronic records, (iv) repeal the requirement that the records be made available only at the licensee’s place of business, (v) require that the licensee respond to any inquiry made by the board within 21 days and not just the complaints requested under 18VAC130-20-180 H 1, (vi) prohibit a licensee from providing false, misleading, or incomplete information in the investigation of a complaint filed with the board, and (vii) no longer allow credit for licensing to be awarded for prelicensure courses completed by challenge examination without classroom attendance.

For additional information please contact Kevin Hoeft, Board Administrator, Department of Professional and Occupational Regulation, Richmond, VA 23233, telephone (804) 367-8552, FAX (804) 524-4298, or email reappraisers@dpor.virginia.gov.

TITLE 19. PUBLIC SAFETY

DEPARTMENT OF STATE POLICE

19VAC30-190. Regulations Relating to the Issuance of Nonresident Concealed Handgun Carry Permits (adding 19VAC30-190-10 through 19VAC30-190-140).

Written public comment may be submitted until November 5, 2007 to Donna Tate, Firearms Manager at the Department of State Police.

The proposed amendments establish the procedures that will be utilized to implement the provisions of §18.2-308 P 1 of the Code of Virginia, which authorized the Virginia Department of State Police to issue nonresident concealed handgun carry permits.

For additional information contact Robert G. Kemmler, Lt. Col., Director, Bureau of Administrative and Support Services, Department of State Police, Richmond VA, telephone (804) 674-4606, fax (804)674-2111, or email nonrespermit@vsp.virginia.gov.

For multiple copies of the *Virginia Legislative Record* or other DLS publications, please contact the House or Senate Clerks Office.

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© 2007 Division of Legislative Services
Published in Richmond, Virginia
by the Division of Legislative Services,
an agency of the General Assembly of Virginia.
The Legislative Record is available online at-

<http://dls.state.va.us/pubs/legisrec/2007/welcome.htm>

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