

# Virginia Legislative Record

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## HJR 551: Reduction of Highway Noise Abatement Costs

*August 17, 2006*

The joint subcommittee created by the General Assembly in 2005 to find ways to utilize more noise abatement in Virginia at a lower cost to taxpayers met in Newport News. Guest speakers from the Virginia Department of Transportation (VDOT) and several Virginia localities were invited to give presentations at the meeting. An article relevant to the study, "Shaping Noise Wall Design," which appeared in the July-August 2006 issue of Government Engineering was distributed to the members.

### Speakers

Amy Costello, Manager  
Air, Noise, and Energy Section of the Virginia  
Department of Transportation

### Delaware noise policy

Ms. Costello briefed the members regarding Delaware's noise policy, which has been in place since October 4, 2005. The Delaware Department of Transportation (DelDOT) conducts noise studies when the necessary funding is provided by the local community or the state legislature. Ms. Costello pointed out that Delaware local governments may overlook a developer's failure to provide DelDOT with adequate noise abatement information. Delaware noise policy calls for:

- Developers to be responsible for limiting noise.
- Analysis of noise impact for subdivisions planned along highways based on future traffic forecasts.

- Noise abatement to be constructed concurrently with the addition of subdivision streets.
- Barriers for noise abatement to be built and maintained according to DelDOT standards.

### VDOT's New Products Committee

Ms. Costello stated that the committee to evaluate new noise abatement products is chaired by a member of VDOT's Materials Division and includes members of other VDOT Divisions. New products undergo a 6-step process:

- Product value screening.
- Preliminary examination for feasibility.
- Detailed product evaluation.
- Written product specifications.
- Assembly and dissemination of product information.
- Product performance evaluation.

All noise abatement construction must meet minimum safety standards and if the structure fails, the project engineer is held accountable. VDOT specifications are based on federal specifications, allowing limited flexibility, which means cost savings cannot result from lowering standards.

### Ohio's noise alternatives study

Ms. Costello provided information on Ohio's study of alternative soundproofing methods, which concluded that a wide range of alternatives are available, but some clearly do not satisfy feasibility requirements. Alternative methods that include land-use planning and traditional noise barriers were considered more useful.

Inside this issue:

#### Study Committees

Noise Wall Study	1
Open Space Lands & Farmland Preservation	3
Virginia Prisoner Reentry to Society	5
Science, Math, & Technology Education	7
Commerce & Labor Special Subcommittee on HB 264	9

*Regulatory Alert* 12

For more information,  
visit study websites at  
<http://dls.state.va.us/>-

*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 other resources.*

**John B. Kaoudis - Senior Engineer**  
Department of Engineering of the  
City of Newport News

Mr. Kaoudis explained that Newport News adopted a noise abatement policy in 1989 that met VDOT requirements, resulting in a 50/50 cost sharing with VDOT of costs associated with noise abatement on nonfederal aid projects. So far, two noise walls have been constructed and a third project is under consideration. Newport News works with developers to avoid noise impacts as much as possible. Mr. Kaoudis stated that city policy emphasizes the need for noise abatement not the need for noise wall construction. He noted that the cost of noise abatement is effected by:

- Concrete and steel prices.
- Right-of-way acquisition costs and increased land value.
- Building design and choice of construction materials.

**Richard Hartman - City Engineer**  
City of Portsmouth

Mr. Hartman discussed the City of Portsmouth's new private cargo terminal, owned and operated by APM Terminals Virginia, Inc., which will begin operation in 2007. VDOT created a new highway interchange that will provide direct access to the cargo terminal, which will open later this year. VDOT does not call for the construction of noise walls on this project, because it is classified as a nonfederal aid highway. When the cargo terminal begins operation it will add approximately 3,000 trucks a day to local highways and possibly 4,500 trucks a day in ten years. Highway ramps for the new interchange are situated 130 feet from houses in the adjoining neighborhood and truck traffic will utilize the new interchange instead of neighborhood streets. Mr. Hartman stated that there may be a need for noise abatement, but no noise walls are planned for this time. Because the interchange is a design-build project, no federal funding or other source of funding is available.

**Brad H. Johnson - Transportation Planning Manager**  
Prince William County

Mr. Johnson explained that Prince William County did not have a highway noise policy

prior to 2000. Since adopting a policy, no highway projects have qualified for a 50/50 cost sharing arrangement like projects in Newport News. Prince William's policy only covers large residential developments and does not apply to noise impact on local streets. If large developments have noise impact, the developer is required to include noise abatement in the development plan. Citizens are often frustrated regarding the requirements for noise abatement construction because:

- VDOT's policy states that federal aid highway construction must include noise walls and nonfederal aid does not.
- Homeowners' associations are divided in that some desire noise wall construction and others deem it unsightly.

**John R. Bell - Senior Planner**  
Fairfax County Department of Planning and Zoning

Fairfax County does not have a highway noise abatement policy or any provisions in the county code pertaining to noise abatement. The county relies somewhat on VDOT noise abatement policy and federal guidelines. For projects with highway noise concerns, Fairfax County depends on building permit requirements and direct negotiations with individual developers, utilizing its authority to control zoning and its ability to grant special exceptions to resolve issues.

## Next Meeting

The joint subcommittee will meet again in September 2006 to determine its findings and recommendations for presentation to the 2007 Session of the General Assembly.

HJR 551 (2005)

### *Joint Subcommittee on Highway Noise Abatement Costs*

Delegate Jeffrey Frederick, Chair

Alan Wambold and Stephanie Bishop, DLS Staff

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*VDOT's policy states that federal aid highway construction must include noise walls and nonfederal aid does not.*

# HJR 133/SJR 94: Open Space Lands & Farmland Preservation

August 23, 2006

The members of the Joint Subcommittee to Study Long-Term Funding Sources for the Purchase of Development Rights to Preserve Open Space Land and Farmlands are Senators Emmett W. Hanger, Jr. (co-chairman), John Watkins, and Mark R. Herring and Delegates Lynwood W. Lewis, Jr. (co-chairman), Robert D. Orrock, Sr., Thomas C. Wright, Jr., Benjamin L. Cline, Edward T. Scott, and Albert C. Eisenberg. Several state agency representatives were invited to make presentations at the meeting. The complete remarks by all of the guest speakers, handouts, and additional information may be found on the study website hosted by DLS.

## Speakers

### Nikki Rovner - Deputy Secretary of Natural Resources

Ms. Rovner presented an overview of the current state and federal land conservation programs, which protect lands from development by landholders donating development rights to government entities and private land trusts (conservation easements) or by landholders selling land outright to these entities (fee simple sales). Fee simple sales include sales of land that are preserved as parks, wildlife management areas, and forests. Donations of conservation easements are usually perpetual and under state law can only be held by land trusts, conservation agencies, and local governments. Government agencies that are the beneficiaries of conservation easements or that are purchasers of fee simple estates include:

Department of Conservation and Recreation,  
Department of Forestry,  
Department of Game and Inland Fisheries,  
The Nature Conservancy,  
Middle Peninsula Land Trust,  
Virginia Outdoors Foundation,  
Federal agencies, local governments, and  
soil and water conservation districts.

The Virginia Land Conservation Incentives Act of 1999 provides income tax credits to landholders who donate conservation easements or sell their

lands outright to some of these entities. The attractiveness of the credit helps to promote land conservation. Government funds that are used to purchase fee simple estates come from:

- State general fund appropriations.
- Treasury loans.
- State general obligation bonds.
- Virginia Public Building Authority bonds.
- Federal grants and appropriations.

The Virginia Land Conservation Foundation administers a competitive matching grant program under which state grants for land preservation are made on a matching basis to state agencies, local governments, and nonprofit organizations. \$2.5 million has been appropriated by the Commonwealth for the grant program in both 2007 and 2008. Twenty-five percent of available unrestricted funds is automatically transferred to the Open-Space Lands Preservation Trust Fund and the remaining 75% is divided equally among the following four uses:

- Natural area protection.
- Open spaces and parks.
- Farmlands and forest preservation.
- Historic area preservation.

### Bill Dickinson - Deputy Secretary of Agriculture and Forestry

Mr. Dickinson discussed efforts to preserve Virginia's working farms and forest lands by purchasing the developments rights of property. Local government initiatives include use value taxation, zoning for agricultural and forestal districts, and purchase of development rights programs. State initiatives include the establishment of the Office of Farmland Preservation in 2001, which assists retiring farmers in transferring their businesses/farmlands to persons seeking to become farmers. The average age of a Virginia farmer is 56 and two-thirds of farmers have no retirement plan. The office is also responsible for developing:

*\$2.5 million has been appropriated by the state for the Virginia Land Conservation Foundation's matching grant program in both 2007 and 2008.*

Beginning on January 1, 2007, as a result of legislative changes adopted by the General Assembly on August 28, 2006, the tax credit will equal 40% of the fair market value of the donation.

- Model policies to establish local purchase of development rights programs (PDR programs).
- Criteria for certification of local PDR programs as being eligible to receive grants from public sources.
- Methods and sources of revenue for allocating funds to localities to purchase agricultural conservation easements.

In 2004, the Farmland Preservation Task Force of the Virginia Department of Agriculture and Consumer Services developed a model purchase of development rights program for Virginia. Elements of the model program include:

- Local ordinance to establish the program.
- Valuation process.
- Agricultural enhancement strategy.
- Deeds of easement.
- Mandatory monitoring programs for easement donations.
- Periodic evaluations and required reporting.

In 2005, the Farmland Preservation Task Force proposed a state level program to complement local PDR programs. Key objectives of the state level program are:

- Provide farm and forestland protection assistance to all requesting localities by 2007.
- Localities to establish PDR programs by 2010.
- Seventy localities to establish PDR programs by 2020.

## Staff Presentations

DLS study staff discussed the elements of Virginia's land preservation tax credit and the amendments to the credit proposed by the General Assembly and the Governor. The Virginia Land Conservation Incentives Act of 1999 established an income tax credit for the donation of land for preservation purposes. Under the Act, any allowable, unused tax credit can be sold or transferred to other taxpayers who then may use the transferred tax credit. Qualifying donations under the Act will be eligible for a federal income tax charitable deduction and a state income tax charitable deduction in addition to the state income tax credit.

Beginning on January 1, 2007, as a result of legislative changes adopted by the General Assembly on August 28, 2006, the tax credit will equal 40% of the fair market value of the donation. For donations that take the form of a conservation easement, the value of the donation equals the loss to the taxpayer in fair market value of giving up land development rights altogether or giving up the right to develop it at a higher density. A listing of the changes to the tax credit program effective January 1, 2007, include:

- Tax credits may be carried forward for 10 years, an increase over the previous five-years.
- Donations generating more than \$1 million or more in tax credits must be approved by the Department of Conservation and Recreation.
- Land dedicated as open space in residential or commercial developments will no longer qualify.
- A fee equal to 2% of the value of the donation, not to exceed \$10,000, will be charged on the transfer of any tax credits.

## Next Meeting

Information regarding future meeting dates will be posted on the General Assembly Calendar and the study website when determined by the joint subcommittee members.

### HJR 133 / SJR 94 *Joint Subcommittee on Open Space and Farmland Preservation*

Senator Emmett W. Hanger, Jr., Co-chair

Delegate Lynwood W. Lewis, Jr., Co-chair

Mark Vucci, David Rosenberg,

and Kevin Stokes, DLS Staff

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[study website](#)

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



# SJR 126: Prisoner Reentry to Society

July 27, 2006

The Joint Subcommittee Studying the Commonwealth's Program for Prisoner Reentry to Society, a continuing study pursuant to SJR 273, met on July 27, 2006, in Richmond. Senator Linda T. Puller will continue to serve as chair and Delegate John J. Welch III as vice-chair. Several speakers were invited to make presentations to the members and their complete testimony, handouts, and additional information may be found on the study website hosted by DLS.

## Overview

Ellen Weston, DLS study staff, presented an overview of the authority and terms of the 2006 study under SJR 126, recommendations from the 2005 study, and described related 2006 legislation and budget measures. She also referenced the proposed study plan for the 2006 interim and projected meeting dates for future discussion.

Barry Green, Director of the Department of Juvenile Justice, provided an overview of the recent budget amendments that impact prisoner reentry. He referenced status reports from the Department of Correctional Education and Secretary of Public Safety that have been mandated by the budget. The status reports on the implementation of state jail transition programs and on state actions to improve offender reentry services are due October 16 and November 15, 2006, respectively. Mr. Green indicated that much of the funding awarded replaces federal grants that are expiring. In response to questions, Mr. Green described successful vocational training programs for inmates such as barbering and horticulture.

## National Perspective

**Keri Beth Cain - Policy Analyst for the National Governors Association (NGA)**

Ms. Cain addressed the national picture, the growing inmate population, success in other states, and how Virginia has been selected for participation in the NGA Policy Academy on Prisoner Reentry. NGA continues to study and promote best practices in prisoner reentry through its Policy Academy. Ms. Cain described obstacles to reentry such as uncoordinated service systems,

cuts in funding for prison programs, and both systemic and legal barriers. She set forth the following strategies for improvement:

- Develop interagency approach.
- Improve preparation of prisoners for reentry starting on day one.
- Improve how prisoners are released.

Ms. Cain indicated that Virginia was one of seven states selected for Round One of the NGA Policy Academy due to top-level support, involvement by noncorrectional agencies, use of existing resources for new purposes, and funds designated for research and evaluation. Ms. Cain confirmed that Virginia also qualified for Round Two of the NGA Policy Academy in competition with 16 other states, and its programs have been awarded foundation and federal grants. Ms. Cain acknowledged growing national momentum and the Second Chance Act of 2005 to support prisoner reentry, which Congress recently considered, but has not passed.

## Virginia Prisoner Reentry Policy Academy

**Dawn Smith - Assistant Secretary of Public Safety**

Ms. Smith introduced the Virginia Prisoner Reentry Policy Academy. Ms. Smith presented the recent Executive Order, whereby the Governor formally recognized the Academy and designated the Office of the Secretary of Public Safety to lead it. She described the origin of the Academy and its four subcommittees on the following subjects:

- Employment and Education
- Social Reintegration
- Health, Mental Health, and Substance Abuse
- Financial Obligations, Housing, Financial and Community Resources

Ms. Smith stated that present challenges include a lack of dedicated funding and staffing devoted to reentry.

*Virginia was one of seven states selected for Round One of the National Governors Association's Policy Academy on Prisoner Reentry.*

**Gwynne Cunningham - Director Special Programs  
Department of Correctional Education**

Ms. Cunningham set forth many programs to promote employment of prisoners upon release. Virginia is one of only three states in which no agency serves as bonding coordinator for federal bonds to protect employers of former inmates. She also described the Work Opportunity Tax Credit (WOTC) that provides an incentive for employers to hire former inmates and indicated that the Department informs offenders about the WOTC in its Productive Citizenship curriculum, while the Virginia Employment Commission provides notice of WOTC to employers. Ms. Cunningham explained that promotion of reentry through national media campaigns is crucial to the process. Department services that are provided to inmates include mock interview events, job/career fairs, college for juvenile offenders, university benefits for incarcerated veterans, business/education partnerships for vocational training, and career readiness certificates. Members requested a report on "Restrictions to Employment for Individuals with Criminal Histories," which is available on the study website.

**Carol-Lee Raimo - Program Coordinator  
Department of Criminal Justice Services**

Ms. Raimo, who is the co-chair of the Social Reintegration Subcommittee, reported on the status of objectives and programs, which include a handbook for inmates' family members regarding prison rules and visitation, a video project by offenders who are parents that reaches a total of 450 children, a contract for less expensive collect calls from inmates, parenting courses, the Milk and Cookies program for children of incarcerated parents, a Risk/Needs Assessment Instrument to track offender progress, preparation on emotional coping skills for reentry, and additional Transitional Therapeutic Community (TTC) beds. The Subcommittee plans to increase awareness of the prison visitation service, add family-counseling pilots, a support group for caregivers of inmates' families, care packages from home, and help for inmates to obtain vital identity documents upon release. A member of the joint subcommittee suggested that Ms. Raimo include a crime victim on the

Social Reintegration Subcommittee. Members also commented on the importance of parenting classes, visitation, and transportation services for families of inmates.

**Dudley Bush - Substance Abuse Manager  
Department of Corrections**

Mr. Dudley provided a brief overview of the Transitional Therapeutic Communities (TTC) program. He explained that TTCs provide a six month transition period within a community of substance abuse treatment. TTCs require employment by the inmate or probationer and have demonstrated success in supporting recovery and reducing recidivism. Six current TTC providers are in operation in five cities: Harrisonburg, Newport News, Roanoke, Richmond, and Arlington. Separate programs for men and women have been most conducive to success.

**Jane Brown - Director of Community Programs  
Department of Social Services**

Ms. Brown discussed the Reentry Pilot Programs and Local Reentry Councils that enable a wide range of government officials, faith-based organizations, and other community leaders to come to the table for positive dialogue on reentry measures. The Virginia Prisoner Reentry Policy Academy is conducting pilot programs in five localities. Each locality has a Prisoner Reentry Council that consists of the director of the local department of social services and representatives of interested public and private organizations. She explained that each locality has an assigned state correctional facility from which 25-50 offenders participate under individual plans developed 3-6 months prior to release. Reentry services offered by the pilot programs include family mentoring, parenting classes, education, job placement, and financial literacy instruction.

## Public Comment

Randall Pepin of Virginia C.U.R.E. (Citizens United for Rehabilitation of Errants), former inmate, and current graduate student, spoke before the joint subcommittee and submitted a report on successful offender reentry. Mr. Pepin, a convicted sex offender, credits his rehabilitation to psychological treatment during incarceration, combined with faith-based counseling. He asserted that a faith-based approach is necessary to

*The Virginia  
Prisoner Reentry  
Policy Academy is  
conducting prisoner  
reentry pilot  
programs in five  
localities across  
the state.*

change sex offenders. Mr. Pepin recommended mandatory group counseling paid for by offenders that would continue after release.

Lillie Branch-Kennedy, Director of Resource Information Help for the Disadvantaged (RIHD), a non-profit organization dedicated to reducing recidivism, described her work and recommendations. She described several RIHD programs that provide educational self-help and alleviate transportation problems between families and inmates. She advocates beginning reentry services on day one, along with mental health and substance abuse treatment to prevent recidivism. Brenda Jefferson McLauren, Office Manager of RIHD and several other members of RIHD appeared for public comment, including Claudette Williams, Carolyn Suspene-Braxton, Marilyn Roberson, and Leonie May.

Kim Mummert, Virginia C.U.R.E. member and mother of inmate, implored the subcommittee to consider increased funding and incentives for inmate participation. She maintains that a percentage of the substantial expense incurred by families to telephone inmates should go to funding reentry programs.

## Work Plan & Future Meetings

The next meeting of the joint subcommittee will include presentations on mental health issues by the Health, Mental Health, and Substance Abuse Subcommittee of the Policy Academy, transitional services provided by non-profit organizations, workforce investment issues, as well as public comment and a discussion of proposed legislation. The meeting will be held on October 26, 2006, in Richmond.

SJR 126

### *Joint Subcommittee on Prisoner Reentry to Society*

Senator Linda T. Puller, Chair

Delegate John J. Welch III, Vice-chair

Ellen Weston and Brenda Edwards, DLS Staff

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[study website](#)

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

## HJR 25: Science, Math, and Technology Education

*August 1, 2006*

The Joint Subcommittee Studying Science, Math, and Technology Education was created by HJR 25 to review the curriculum of existing public schools, including Governor's Schools and other specialized public schools; study accessibility to specialized public schools by students; and examine the Standards of Learning for math and science to ensure that students are provided with the fundamentals necessary for successful continuation of science, math, and technology education at the college level. Delegate Cosgrove was elected as the chair and Senator Devolites-Davis as the vice-chair of the joint subcommittee. The Department of Education (DOE) and several other guest speakers were invited to make presentations at the meeting.

### Overview

Patrick Cushing, DLS study staff, reviewed the requirements and scope of HJR 25. His presentation, additional information, and the complete testimony and handouts of all of the guest speakers may be found on the study website hosted by DLS.

### DOE Presentation & Discussion

James Firebaugh - Office of Middle and High School Instruction DEO

### Standards of Learning (SOL)

Mr. Firebaugh spoke on the science and math SOL and explained that technology

*Testing of  
technology  
education is  
imbedded in the  
math SOL through  
the required use of  
a graphing  
calculator.*

Members discussed incorporation of technology into the current SOLs or possibly developing a separate technology SOL.

education is imbedded in the math SOL through the required use of a graphing calculator. Virginia ranks among the top states in science, but has drawn criticism for its ranking in the physics SOL. Senator Devolites-Davis commented that her daughter took AP Physics in high school, but was unprepared for a college physics class. Mr. Firebaugh responded that the curriculum for AP classes is reviewed by a college board, and noted that the SOLs only target non-AP classes.

Members discussed incorporation of technology into the current SOLs or possibly developing a separate technology SOL. The joint subcommittee was interested in obtaining input from the Board of Education on this issue.

### STEM Fields

Members discussed the educational preparation of students entering college in science, technology, engineering, or math (STEM) fields. The general consensus was that students lack the hard math skills needed to succeed in college level physics, chemistry, and math classes. The joint subcommittee requested the State Council of Higher Education for Virginia (SCHEV) to perform a preliminary survey of college students and professors to help identify specific areas of weaknesses for incoming students. The members were also interested in determining if there are state geographic weaknesses in math and science. Although Virginia as a whole ranks fairly high in math and science education in K-12, there may be geographic discrepancies hidden by state-wide statistics.

### Governor's Schools

The members next discussed the role of the Governor's Schools in Virginia. Senator Devolites-Davis requested that Mr. Firebaugh report on statistics relating to the number of incoming students, the number of students rejected for admission, and the number of applicants to each of the Governor's Schools in math, science, and technology. The members also asked to hear from a representative from the Virginia Junior Academy of Science at the next meeting.

## Speakers

### Elizabeth Russell - Director of Career and Technical Education DOE

Mrs. Russell stated that there are currently 88,000 students enrolled in technology related courses in the career and technology education program. Mrs. Russell reviewed several programs that students may pursue, including a new course in nanotechnology. The joint subcommittee was interested in learning more about Project Lead the Way.

### Dr. LaVista - Executive Director SCHEV

Dr. LaVista presented an overview on efforts to increase science, math, and technology education in the Commonwealth's universities. The joint subcommittee was interested in obtaining information regarding the number of STEM graduates as compared to other fields and the potential salary benefits of majoring in a STEM field. A major point of inquiry was why many students enter college with intentions of majoring in a STEM field, but half of those students do not graduate with a STEM major. Another issue addressed by the joint subcommittee was the need to recruit qualified faculty and allow current faculty to devote more time to research. SCHEV is currently in the process of performing a peer review faculty pay study and will report their findings as soon as they are available.

### Dr. Monty Sullivan - Virginia Community College System

Dr. Sullivan gave a brief overview on various science and technology related programs in the Virginia Community College System (VCCS). Dr. Sullivan's powerpoint presentation is available on the study website, which includes the following information:

### VCCS Math, Science & Technology Programs

- All 23 VCCS colleges offer programs in math, science, and technology.
- VCCS offers over 25 academic programs in math, science, and technology related disciplines.
- In 2005-06, almost 19,000 students were enrolled in math, science, and technology degree programs.
- Over 1,500 students completed programs in science and engineering in 2004-05.



- VCCS also offers certificates and diplomas in closely related program areas.
- Disciplines include biomedical, engineering technology, and modeling and simulation.
- Over 275 students completed certificates in science and engineering in 2004-05.

## Public Comment

Kathleen Stansbury, President-elect, Virginia Technology Education Association, spoke regarding the importance of integrating technology education into existing curriculum and across all subject areas and recommended utilizing the Standards for Technological Education. The standards were developed on a national level and have been successfully implemented by several K-12 teachers in the Commonwealth. Members asked Mrs. Stansbury to report on the standards in greater detail at the meeting in October.

## Next Meeting

Information regarding the October meeting of the joint subcommittee will be posted on the General Assembly Calendar and the study website as soon as available.

### HJR 25 *Joint Subcommittee on Science, Math & Technology Education*

Delegate John A. Cosgrove, Chair  
Senator Jeannemarie Devolites Davis, Co-chair

Patrick Cushing and Nikki Seeds, DLS Staff

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*<http://dls.state.va.us/TechEd.htm>*

## HB 264: House Commerce and Labor Special Subcommittee

### August 10, 2006

The special subcommittee to study House Bill 264 met in Richmond on August 10, 2006. Members are Delegates Frank Hargrove (chair), R. Lee Ware, Jr., Samuel A. Nixon, Jr., Johnny S. Joannou, and Jennifer L. McClellan assisted by Chris LaGow and Jackie Stone, pursuant to Rule 20 of the House Rules.

### Background

Virginia's financial responsibility law requires the owner of a motor vehicle, as a condition of registration, to insure it under a policy with liability limits for a single accident of \$25,000 for bodily injury or death of one person, \$50,000 for bodily injury or death of two or more persons, and \$20,000 for damage or destruction of the property of others. The financial responsibility requirements may also be met by providing a satisfactory surety bond or obtaining a self-insurance certificate. A motor vehicle owner who does not maintain an insurance policy or other financial security mechanism must register the vehicle as

uninsured and pay a \$500 uninsured motor vehicle fee.

House Bill 264 would increase the minimum coverage amounts under a motor vehicle liability insurance policy from \$25,000/\$50,000/\$20,000 to \$50,000/\$100,000/\$50,000. Mary Bannister of the State Corporation Commission's Bureau of Insurance testified that if Virginia's minimum liability limits for bodily injury were increased to \$50,000/\$100,000, they would be tied with Alaska and Maine as the highest in the nation. She also noted that if the minimum property damage limit was increased to \$50,000, it would be the highest limit in the nation. Virginia's current limits are in line with those of most other states, as over half of the states have bodily injury limits of \$25,000/\$50,000.

The Bureau of Insurance representative reported that increasing the minimum liability limits may increase premiums for liability and uninsured motorist coverage. A review of 15 of the top 50 private passenger automobile insurance writers in Virginia indicated that annual premiums would increase by 7% to 17% per vehicle. For example, insurance for a

*Virginia's current minimum liability limits for vehicle insurance policies are in line with those of most other states.*

married 45-year old man with a clean driving record would increase between \$18 to \$325, while insurance for a single 20-year old male with a clean driving record would increase between \$49 to \$889, per vehicle, depending on the driver's classification, the territory, and the company.

*The subcommittee unanimously endorsed a motion that HB 264 be tabled, indicating that raising the minimum liability limits at the present time would be inappropriate,*

## **Insurance Company Perspectives**

### **Mark Pachucki - Nationwide**

Mark Pachucki of Nationwide reported that 98.6% of the company's bodily injury claims resulted in payments of less than the minimum limit of \$25,000, with the average being around \$9,000. Less than one percent of claims settled for between \$25,000 and \$50,000, and 1.6%, or 280 claims, involved payouts of over \$50,000. In property damage claims, 95.9% settled for less than \$20,000, with an average payout of \$2,238. Over 80% of Nationwide's auto policies have coverage with bodily injury limits of \$50,000/\$100,000 or higher. Only 19.6% of its 661,000 Virginia auto policies insured vehicles at the minimum limits. Mr. Pachucki noted that raising the minimum limits to \$50,000/\$100,000 would affect persons with coverage already at higher limits and that increasing the cost of insuring vehicles would increase the number of uninsured motorists, as well as uninsured motorist claims.

### **Machell Hamlin - GEICO**

Ms. Hanlin, who could not attend the meeting, sent a written statement in line with testimony already presented. She agreed that raising the minimum limits would result in a greater number of people with higher insurance premiums that they would be unable to pay. A higher population of uninsured drivers would mean a greater number of uninsured liable parties involved in accidents and more injured people with no insurance source from which to recover damages.

### **Rebecca King - Progressive**

Rebecca King of Progressive stated that only four states—Alaska, Maine, Minnesota, and North Carolina—currently have minimum

bodily injury limits that exceed the \$25,000/\$50,000 limits required in Virginia. Twenty-seven states have the same \$25,000/\$50,000 minimum bodily injury limits now required in Virginia. Progressive provided a state-by-state analysis of the percentage of median family income spent on personal automobile insurance (PAIN). Virginia's percentage, at slightly less than 1%, was the third lowest in the nation with only Iowa and Wisconsin having a lower index figure. The highest PAIN index, at 2%, was felt in the District of Columbia and Louisiana. Ms. King reported that an estimated 10% of the motorists in Virginia are uninsured, tied as 13th lowest of all the states. Other information from the Progressive testimony may be found on the study website.

### **Other Speakers**

Dennis Yocom of Professional Insurance Agents of Virginia and Washington D.C. reported that a polling of their members found that 70% were opposed to increasing auto minimum limits. Most agents believe that increased limits would negatively impact the insurance affordability for the working poor, force low-income drivers to forego auto insurance, and increase the number of uninsured drivers. He suggested increasing Virginia's uninsured motorist fee from its current level of \$500 to \$750-\$1,000 or increasing the property damage limit from \$20,000 to \$25,000.

Judy Swiston, representing taxicab companies, noted that some small cab operators are on assigned risk and that increasing the cost of insurance coverage might put them out of business. Bob Bradshaw, representing independent insurance agents, suggested that the study consider requiring all drivers to maintain liability insurance policies, removing the option of driving an uninsured vehicle. Jeff Trice of the Insurance Doctor testified that most of their business involves policies for the minimum liability limits and that 48% of his clients could not make monthly payments. He noted that increased premiums would mean more people would not be able to keep their policies in effect. He agreed that compulsory insurance, which is required by law in 34 states, would be a better approach. Vicky Harris of State Farm Insurance agreed that most agents do not sell policies with minimum limits except to people who cannot

afford higher limits, and raising the limits would increase the uninsured motorist population. Katie Jones of Enterprise Rent-A-Car supported the current limits.

## Subcommittee Action

The subcommittee unanimously endorsed a motion that HB 264 be tabled. The members indicated that raising the minimum liability limits at the present time would be inappropriate, but felt that it was necessary to periodically review the minimum automobile policy liability limits.

*HB 264*  
*House Commerce and Labor*  
*Special Subcommittee*

Delegate Frank D. Hargrove, Sr., Chair

Franklin Munyan, DLS Staff

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welcome.htm](http://dls.state.va.us/pubs/legisrec/2006/welcome.htm)*

## Scheduled Study Committee Meetings for September-

Study or Commission Name	Meeting Information	DLS Staff
Block Grants	2: 00 p.m. Thursday, September 14, 2006 General Assembly Bldg, Senate Room B	Jessica Eades
Virginia's Transportation Needs	10:00 a.m., Friday, September 8, 2006 Mason Hall, George Mason University, Edwin Meese Conference Room, Fairfax	Alan Wambold, Stephanie Bishop
Issues Relating to Stem Cell Research	10:00 a.m., Tuesday, September 12, 2006 General Assembly Bldg, Senate Room B	Jessica Eades, Nikki Seeds, Ellen Weston
Senate Education & Health Special Subcommittee on SB 241	10:00 a.m., Tuesday, September 12, 2006 General Assembly Bldg, 4th Floor East	Nikki Seeds
House Education Special Subcommittee on HB 1442	2:00 p.m., Monday, September 18, 2006 General Assembly Bldg, House Room C	Nikki Seeds
Telework Opportunities	10:00 a.m., Thursday, September 14, 2006 Center for Innovative Technology, Fairfax Rm, Herndon	Lisa Wallmeyer, Patrick Cushing, Amigo Wade
Senate Education & Health Special Subcommittee on SB 18 & SB 309	10:00 a.m., Monday, September 25, 2006 General Assembly Bldg, Senate Room A	Nikki Seeds
U.S. Route 460 Communications Committee	10:00 a.m., Monday, September 25, 2006 General Assembly Building, House Room C	Alan Wambold, Stephanie Bishop

*Meetings may be added at any time—Please check the DLS Website or General Assembly Calendar for meeting 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](mailto:epalen@leg.state.va.us) or the Code Commission staff at (804) 786-3591 for further information.

### TITLE 11. GAMING

#### VIRGINIA RACING COMMISSION

**REGISTRAR'S NOTICE:** The Virginia Racing Commission is exempt from the Administrative Process Act pursuant to subdivision A 18 of § 2.2-4002 of the Code of Virginia when acting by and through its duly appointed stewards or in matters related to any specific race meeting.

The Virginia Racing Commission adopted the regulations to apply to the live harness race meeting scheduled to begin on September 4, 2006.

**11 VAC 10-70. Stewards (amending 11 VAC 10-70-20, 11 VAC 10-70-30, 11 VAC 10-70-40, 11 VAC 10-70-60 through 11 VAC 10-70-90 and 11 VAC 10-70-170; repealing 11 VAC 10-70-50).**

**11 VAC 10-90. Appeals to the Commission (amending 11 VAC 10-90-10, 11 VAC 10-90-30, and 11 VAC 10-90-50).**

Written public comment may be submitted until 5 p.m. on October 20, 2006.

*The amendments clarify the authority of the stewards appointed by the Virginia Racing Commission to enforce and interpret the commission's regulations. The definition of "participant" has been added, which provides that certain individuals associated with a horse that is entered to run in Virginia shall be considered as participants and come under the jurisdiction of the commission. Additionally, the amendments provide the commission with the authority to take disciplinary actions through stewards or at a meeting at which a quorum is present and clarify that such disciplinary*

*actions must be determined by a preponderance of the evidence. These amendments are made to conform the regulation to Chapter 700 of the 2005 Acts of Assembly*

For additional information contact David S. Lermond, Jr., Virginia Racing Commission, (804) 966-7404, FAX (804) 966-7418, or e-mail [david.lermond@vrc.virginia.gov](mailto:david.lermond@vrc.virginia.gov).

### TITLE 12. HEALTH

#### STATE BOARD OF HEALTH

**12 VAC 5-70. Regulations Governing the Newborn Screening and Treatment Program (repealing 12 VAC 5-70-10 through 12 VAC 5-70-50).**

**12 VAC 5-71. Regulations Governing Virginia Newborn Screening Services (adding 12 VAC 5-71-10 through 12 VAC 5-71-190).**

Written public comment may be submitted until 5 p.m. on October 23, 2006.

*The proposed action repeals the existing newborn screening regulations and promulgates new regulations that conform to Chapter 721 of the 2005 Acts of Assembly. The regulations establish rules for the newborn screening services in the Commonwealth of Virginia. The proposed regulations (i) provide additional (relevant) definitions, (ii) expand the panel of diseases for which newborns are screened from 12 to 29, (iii) clarify the roles and responsibilities of different entities involved in the newborn screening, and (iv) establish an income eligibility criterion for publicly provided formula and food benefits.*



For further information please contact Nancy Ford, Department of Health, (804) 864-7691, FAX (804) 864-7647, or e-mail nancy.ford@vdh.virginia.gov.

### STATE BOARD OF HEALTH

**12 VAC 5-125. Regulations for Bedding and Upholstered Furniture Inspection Program (adding 12 VAC 5-125-10 through 12 VAC 5-125-180).**

A public hearing will be held October 11, 2006 at 3 p.m., Department of Health, Richmond, Virginia. Written public comment may be submitted until October 20, 2006.

*The regulations expand bedding and upholstered furniture definitions, outline causes for inspections, expand exemptions to the bedding law in the Code of Virginia, and outline penalties for violations.*

For more information contact Gary L. Hagy, Division of Food and Environmental Services, Department of Health, (804) 864-7455, FAX (804) 864-7475, or e-mail gary.hagy@vdh.virginia.gov.

### DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

**12 VAC 30-30. Groups Covered and Agencies Responsible for Eligibility Determination (adding 12 VAC 30-30-60).**

**12 VAC 30-40. Eligibility Conditions and Requirements (amending 12 VAC 30-40-10).**

**12 VAC 30-50. Amount, Duration, and Scope of Medical and Remedial Care Services (amending 12 VAC 30-50-530; adding 12 VAC 30-50-35 and 12 VAC 30-50-75).**

Written public comment may be submitted until October 20, 2006.

*The Medicare Prescription Drug, Improvement and Modernization Act of 2003 (MMA) established the Medicare Prescription Drug Program, also known as Medicare Part D, making prescription drug coverage available to individuals who are entitled to receive Medicare benefits under Part A or Part B, beginning on January 1, 2006. In response to this federal mandate the 2005 General Assembly mandated that the Medicaid Agency promulgate "necessary regulations to implement the provisions of the Medicare Part D prescription drug benefit" and required DMAS to promulgate such regulations within 280 days of the enactment of Chapters 24 and 56 of the 2005 Acts of Assembly.*

For more information please contact Jack Quigley, Department of Medical Assistance Services, (804) 786-1300, FAX (804) 786-1680, or e-mail jack.quigley@dmass.virginia.gov.

### MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES BOARD

**12 VAC 35-45. Regulations for Providers of Mental Health, Mental Retardation, Substance Abuse and Brain Injury Residential Services for Children (amending 12 VAC 35-45-10, 12 VAC 35-45-70, 12 VAC 35-45-80; adding 12 VAC 35-45-210).**

Written public comment may be submitted until October 23, 2006.

*The proposed action adds provisions for licensing providers of brain injury services. The proposed amendments (i) add a definition of "brain injury" and incorporate brain injury service into the definition "services" that are governed by these regulations, (ii) add or revise several other definitions to encompass brain injury services, (iii) require providers of brain injury services to maintain policies and structured programs to reduce or ameliorate the effects of brain injury, (iv) add "neurobehavioral service" to the scope of services that may be part of a structured program, and (v) include requirements for the staff and supervision of residential facilities for children with brain injury.*

For more information please contact Leslie Anderson, Department of Mental Health, Mental Retardation and Substance Abuse Services, (804) 371-6885, FAX (804) 692-0066, or e-mail leslie.anderson@co.dmhmrass.virginia.gov.

### MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES BOARD

**12 VAC 35-45. Regulations for Providers of Mental Health, Mental Retardation and Substance Abuse Residential Services for Children (adding 12 VAC 35-45-25).**

Written public comment may be submitted until October 23, 2006.

*The proposed amendments establish procedures for the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services to issue an order of summary suspension in cases of immediate and substantial threat to the health, safety, and welfare of residents. These include procedures for scheduling and conducting an administrative hearing when the commissioner issues an order of summary suspension, including the appointment of a hearing officer by the Executive Secretary of the Supreme Court.*

For more information please contact Leslie Anderson, Department of Mental Health, Mental Retardation and Substance Abuse Services, (804) 371-6885, FAX (804) 692-0066, or e-mail leslie.anderson@co.dmhmrass.virginia.gov.

**MENTAL HEALTH, MENTAL RETARDATION AND  
SUBSTANCE ABUSE SERVICES BOARD**

**12 VAC 35-105. Rules and Regulations for the Licensing of Providers of Mental Health, Mental Retardation and Substance Abuse Services (amending 12 VAC 35-105-20, 12 VAC 35-105-30, 12 VAC 35-105-590 and 12 VAC 35-105-660).**

Written public comment may be submitted until October 23, 2006.

*The proposed action adds provisions for licensing providers of brain injury services. The proposed amendments (i) add a definition of "brain injury" and incorporate brain injury service providers into the definition of service "provider" that is subject to the licensing provisions; (ii) add or revise several other definitions to encompass the providers of brain injury services; (iii) expand the description of providers that are issued licenses to include providers offering residential services to persons with brain injury under the Brain Injury Waiver, although presently there is no Brain Injury Waiver in Virginia; (iv) require provider staffing and supervision of brain injury services; and (v) add requirements for the individualized services plan that address the specific needs of individuals receiving brain injury services.*

For more information please contact Leslie Anderson, Department of Mental Health, Mental Retardation and Substance Abuse Services, (804) 371-6885, FAX (804) 692-0066, or e-mail [leslie.anderson@co.dmhmrzas.virginia.gov](mailto:leslie.anderson@co.dmhmrzas.virginia.gov).

**MENTAL HEALTH, MENTAL RETARDATION AND  
SUBSTANCE ABUSE SERVICES BOARD**

**12 VAC 35-105. Rules and Regulations for the Licensing of Providers of Mental Health, Mental Retardation and Substance Abuse Services (adding 12 VAC 35-105-925).**

Public hearings will be held September 19, 2006 at 2 p.m., Glen Allen; October 3, 2006 at 10 a.m., Wytheville. Written public comment may be submitted until October 23, 2006.

*The proposed amendments provide specific standards for evaluating the need and appropriateness for the issuance of new licenses for providers of treatment of persons with opioid addiction through the use of methadone or other opioid replacements. As required by Chapter 7 of the 2005 Acts of Assembly, these standards include consideration of demographic and geographic factors, the availability of qualified staff and support services, the suitability of the service site, and several other related attributes of a proposed service provider.*

For more information please contact Leslie Anderson, Department of Mental Health, Mental Retardation and Substance Abuse Services, (804) 371-6885, FAX (804) 692-0066, or e-mail [leslie.anderson@co.dmhmrzas.virginia.gov](mailto:leslie.anderson@co.dmhmrzas.virginia.gov).

**MENTAL HEALTH, MENTAL RETARDATION AND  
SUBSTANCE ABUSE SERVICES BOARD**

**12 VAC 35-210. Regulations to Govern Temporary Leave from State Mental Health and State Mental Retardation Facilities (adding 12 VAC 35-210-10 through 12 VAC 35-210-120).**

Written public comment may be submitted until October 23, 2006.

*The proposed regulation will govern the general process and establish requirements for granting temporary leave to individuals receiving services in state mental health and mental retardation facilities. The proposed regulation requires state facilities to include plans for temporary leave as part of individual treatment planning and gives the state facility director final authority to grant this leave. The regulation also defines the types and duration of leave that may be authorized, requires documentation, and defines a "responsible person" for an individual who is on leave status. Provisions also guide state facilities in managing situations when an individual becomes ill or injured during leave, or fails to return to the state facility as scheduled.*

For further information please contact Marion Greenfield, Office of Quality Management, Department of Mental Health, Mental Retardation and Substance Abuse Services, (804) 786-4516, FAX (804) 786-8623, or e-mail [marion.greenfield@co.dmhmrzas.virginia.gov](mailto:marion.greenfield@co.dmhmrzas.virginia.gov).

**TITLE 13. HOUSING**

**BOARD OF HOUSING AND COMMUNITY DEVELOPMENT**

**13 VAC 5-111. Virginia Enterprise Zone Program Regulations (repealing 13 VAC 5-111-10 through 13 VAC 5-111-390).**

**13 VAC 5-112. Enterprise Zone Grant Program Regulations (adding 13 VAC 5-112-10 through 13 VAC 5-112-560).**

A public hearing will be held September 13, 2006 at 9 a. m., Department of Housing and Community Development, Richmond. Written public comment may be submitted until October 6, 2006.

*The proposed regulations will establish the processes and procedures for the provision of the new Real Property Investment Grants and the new Job Creation Grants; establish new enterprise zone administration processes and procedures as provided for in Chapter 49 (§§ 59.1-538 through 59.1-549) of Title 59.1 of the Code of Virginia.*

*The proposed regulations will also establish the process and procedures for providing the Enterprise Zone Business Tax Credit, Enterprise Zone Real Property Investment Tax Credit and the Job Grants as provided for by amendments to §§ 59.1-279, 59.1-280, 59.1-280.1, 59.1-282.1 and 59.1-282.2 of the Code of Virginia.*

For additional information please contact Steve Calhoun, Department of Housing and Community Development, (804) 371-7015, FAX (804) 371-7090, or e-mail [steve.calhoun@dhcd.virginia.gov](mailto:steve.calhoun@dhcd.virginia.gov).

## TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

### DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION

**18 VAC 120-30. Regulations Governing Polygraph Examiners (amending 18 VAC 120-30-10, 18 VAC 120-30-30, 18 VAC 120-30-40, 18 VAC 120-30-50, 18 VAC 120-30-90, 18 VAC 120-30-100, 18 VAC 120-30-130, 18 VAC 120-30-150, 18 VAC 120-30-160, 18 VAC 120-30-180, 18 VAC 120-30-190, 18 VAC 120-30-200, 18 VAC 120-30-220, 18 VAC 120-30-230, 18 VAC 120-30-240, 18 VAC 120-30-250, 18 VAC 120-30-270, 18 VAC 120-30-280; adding 18 VAC 120-30-55, 18 VAC 120-30-290, 18 VAC 120-30-300 and 18 VAC 120-30-310).**

A public hearing will be held September 21, 2006, at 10 a.m., Department of Professional and Occupational Regulation, Richmond. Written public comment may be submitted until October 6, 2006.

*The proposed amendments (i) facilitate online submission of applications, (ii) provide that applicants for licensure will no longer be required to submit signed affidavits certifying that they have read and understand the sections of Virginia law and the administrative code that deal with polygraph examiner licensure, (iii) provide that applicants for licensure will submit a record of current Central Criminal Records Exchange with their application rather than submit fingerprint cards, and (iv) provide that attorneys who are licensed in any state of jurisdiction of the United States will be allowed to provide instruction on the "Legal Aspects of Polygraph Examination" at polygraph examiner schools.*

For more information please contact Kevin E. Hoefft, Department of Professional and Occupational Regulation, (804) 367-6166, FAX (804) 367-2474, or e-mail [polygraph@dpor.virginia.gov](mailto:polygraph@dpor.virginia.gov).

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

## TITLE 22. SOCIAL SERVICES

### STATE BOARD OF SOCIAL SERVICES

**22 VAC 40-71. Standards and Regulations for Licensed Assisted Living Facilities (REPEALED).**

**22 VAC 40-72. Standards for Licensed Assisted Living Facilities (adding 22 VAC 40-72-10 through 22 VAC 40-72-1160).**

Public hearings will be held on September 7, 2006, at 6 p.m., Fredericksburg; September 11, 2006, at 6 p.m., Williamsburg; September 13, 2006, at 6 p.m., Roanoke. Written public comment may be submitted until October 6, 2006.

*The proposed regulatory action is a joint action to repeal the existing regulation, 22 VAC 40-71, and establish a new regulation, 22 VAC 40-72, for licensed assisted living facilities. The new regulation includes additional requirements for assisted living facilities in the following areas: care and services to residents; staff qualifications, training, and responsibilities; management of the facility; physical plant features; coordination with mental health systems; disclosure of information; and emergency preparedness. The proposed standards emphasize resident-centered care and services. The standards include requirements that strive for a more homelike environment for residents.*

For additional information please contact Judith McGreal, Division of Licensing Programs, Department of Social Services, (804) 726-7157, FAX (804) 726-7132, or e-mail [judith.mcgreal@dss.virginia.gov](mailto:judith.mcgreal@dss.virginia.gov).

### STATE BOARD OF SOCIAL SERVICES

**22 VAC 40-80. General Procedures and Information for Licensure (amending 22 VAC 40-80-60, 22 VAC 40-80-120, 22 VAC 40-80-340, 22 VAC 40-80-370, 22 VAC 40-80-430; adding 22 VAC 40-80-345).**

Public hearings will be held on September 7, 2006, at 6 p.m., Fredericksburg; September 11, 2006, at 6 p.m., Williamsburg; September 13, 2006, at 6 p.m., Roanoke. Written public comment may be submitted until October 6, 2006.

*The proposed amendments add a requirement regarding notification to the department when a licensee plans to close or sell a facility; add additional items to the list of documents that must be posted in a facility; add additional administrative sanctions that the commissioner may impose upon licensed facilities when they fail to maintain compliance with regulations or laws; and add a new section that provides procedures for summary orders of suspension. Also included are minor changes to procedures for consent agreements, for clarification and to remove unnecessary detail.*

For additional information please contact Kathryn Thomas, Department of Social Services, (804) 726-7158, FAX (804) 726-7132.

### CHILD DAY-CARE COUNCIL

**22 VAC 15-10. Public Participation Guidelines (amending 22 VAC 15-10-40 and 22 VAC 15-10-50).**

Written public comment may be submitted until October 20, 2006.

*The regulation sets forth the procedures the Child Day-Care Council uses to obtain public input when developing, revising or repealing a regulation. This regulation covers the following topics: petitions from interested parties, solicitation of input, public hearings, and withdrawal of regulations. The proposed amendments provide for electronic transmission of information and incorporate recent statutory changes.*

For more information please contact Richard Martin, Office of Legislative and Regulatory Affairs, Department of Social Services, (804) 726-7902, FAX (804) 726-7906, or e-mail richard.martin@dss.virginia.gov.

## TITLE 24. TRANSPORTATION AND MOTOR VEHICLES

### DEPARTMENT OF MOTOR VEHICLES

**24 VAC 20-120. Commercial Driver Training School Regulations (repealing 24 VAC 20-120-10 through 24 VAC 20-120-180).**

**24 VAC 20-121. Virginia Driver Training School Regulations (adding 24 VAC 20-121-10 through 24 VAC 20-121-220).**

Public hearings will be held August 30, 2006 at 11 a.m. Abingdon; August 31, 2006 at 11 a.m., Roanoke; September 12, 2006, at 11 a.m., Virginia Beach; September 14, 2006, at 11 a.m., Richmond; September 19, 2006, at 11 a.m., Harrisonburg; September 21, 2006, at 11 a.m., Springfield. Written public comment may be submitted until October 6, 2006.

*The Department of Motor Vehicles proposes to repeal its existing driver training school regulations and promulgate new regulations to address the needs of novice drivers of passenger vehicles and commercial motor vehicles, and the driving public in general.*

*The proposed regulations set forth licensing requirements for general driving instructors, and Class A (commercial motor vehicle training) and Class B (passenger vehicle training) driver training schools; establish business office and classroom requirements and business practices; specify recordkeeping requirements, including availability of records, and inspection and compliance reviews; establish school licensing requirements, including school license renewal and transfer provisions; set forth school contract requirements; establish a driver training school fee schedule; and provide for sanctions for violations of statutes or regulations. Notable changes to the existing regulations include requiring national criminal records checks and mandatory continuing education for driving instructors.*

For more information please contact Marc Copeland, Department of Motor Vehicles, (804) 367-1875, FAX (804) 367-6631, or e-mail marc.copeland@dmv.virginia.gov.

Division of Legislative Services  
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Richmond, Virginia 23219

