

Virginia Legislative Record

SJR 378: Joint Subcommittee to Study Revision of the Curriculum for Driver Training Programs

June 26, 2007

Senate Joint Resolution 378 established a joint subcommittee to study revision of the curriculum for driver training programs. The joint subcommittee held its first meeting in Richmond with the resolution's patron, Senator Jay O'Brien, as acting chair and Delegate Matt Lohr as acting vice-chairman. Other study members include Senators Louise Lucas and Jeannemarie Devolites Davis and Delegates Charles Carrico, Salvatore Iaquinto, Jeion Ward, and Dan Bowling.

Overview

Staff presented an overview of the mandates of the study. The joint subcommittee is charged with evaluating the curriculum used by school-based and commercial driving schools; surveying other states to identify innovative approaches to driver training; and considering the appropriateness of the curriculum for new adult drivers, especially those for whom English is a second language. The resolution also specifies that the Department of Motor Vehicles (DMV) and the Department of Education are to provide technical assistance to the joint subcommittee.

Presentations

Driver's License Requirements and Commercial Driving School Licensing Requirements

Ms. Karen Grim, Assistant Commissioner of Driver, Vehicle, and Data Management for DMV, provided the joint subcommittee members with an overview of Virginia's current driver's license requirements and licensing requirements for commercial driving schools

operating in the Commonwealth. A juvenile applicant is eligible for a learner's permit at 15 years and 6 months. The learner's permit must be held for nine months before a provisional driver's license may be issued. While driving with a learner's permit, the juvenile must complete a driver's education course. In addition, a juvenile must drive at least 40 hours with supervision and pass a driving test in order to receive a provisional license.

Ms. Grim described the licensing requirements for commercial driving schools that provide the required education course for those drivers choosing not to participate in the school-based program. She informed the subcommittee that the commercial course content is identical to the curriculum followed by the school divisions.

During the 2005-2006 school year, 39% of students completing a driver's education course utilized the commercial driving schools. There are currently 72 licensed commercial driving schools in Virginia and 500 instructors licensed by the Department of Motor Vehicles. Current regulations governing commercial driving schools have been in place since 1993, but new regulations for commercial driving schools should be in place in the next couple of months with strengthened oversight and sanctions for schools not following regulations.

Ms. Grim briefly described statutory licensing requirements for the commercial schools and the instructors, including a pre-licensing audit and an annual auditing requirement to ensure that facilities and vehicles meet statutory and regulatory requirements.

Inside this issue:

Study Committees

Curriculum for Driver Training Programs	1
Childhood Obesity in Public Schools	3
Science, Math, & Technology Education	4
Fire & Rescue Squad Volunteers	6
<i>Regulatory Alert</i>	8

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.

The members requested that DMV consider any changes needed in training or curriculum, including whether the driving age in Virginia should be raised and any other recommendations needed to address the safety of teen drivers in the Commonwealth.

Driver Education Curriculum

Ms. Vanessa Wigand, Principal Specialist for Driver Education, Health Education, and Physical Education at the DOE provided the members with an extensive overview of the current driver education curriculum, including the standards of learning and the "Curriculum and Administrative Guide for Driver Education in Virginia," which prescribes the content of a state-approved driver education program.

The curriculum is divided into 11 modules and provides lesson plans so that students may learn what the standards require them to know. The different modules include licensing responsibilities, driver responsibilities, basic maneuvering tasks, information processing, driver performance, vehicle functions, and behind-the-wheel and in-car observation. The curriculum guide is set for revision in 2008.

Ms. Wigand explained that approximately 90% of localities offer the minimum 45-hour course in driver education. The remaining 10% of localities offer a 90-hour course. She noted that based on crash data there is no appreciable difference with respect to number of accidents in localities offering a 90-hour with those offering a 45-hour course. There was some discussion of the crash data as a whole and the joint subcommittee learned that when the crash rate is particularly high in a certain locality, an informal inquiry is conducted by the Department of Education. Historically, findings suggest that in a locality with a high crash rate, there was too much time spent on the driving range and not enough time on the actual road.

National Perspective

Ms. Danielle Roeber of the National Transportation Safety Board (NTSB) spoke to the members with a national perspective. The NTSB is the agency that investigates crashes in order to reduce fatalities and prevent the crashes from happening again. It held a driver's education forum in 2003 and found that all forum participants (including public schools and commercial driving schools) claimed that education has some level of success in reducing teen crashes, but that no group has identified or evaluated a best practice. She informed the

members that some states have no driver's education requirement, or if there is a requirement, there is no uniform curriculum in place. As a result of the NTSB forum in 2003, it was recommended that the National Highway Transportation and Safety Administration (NHTSA) and DOE study what states are teaching driver education and how they are teaching it, and come up with best practices or a model program. Ms. Roeber stated that NHTSA completed a report at the end of 2006, but that it was not available yet. She concluded that it has not been proven that driver education is effective, but it seems clear that teen drivers remain disproportionately involved in crashes, indicating a need for a best practices recommendation.

Public Comment

During the public comment period, a member of law enforcement spoke, who indicated that parental involvement is paramount for young drivers. Additionally, a commercial driving school operator stated that the auditing of commercial driving schools conducted by DMV is very important.

Next Meeting

The joint subcommittee plans to have two more meetings during the 2007 interim. The next meeting will be held in early September after Labor Day and a final meeting will be held sometime after the election in November.

SJR 378

Joint Subcommittee Studying the Revision of the Curriculum for Driver Training Programs

Senator Jay O'Brien, Chair

Nikki Seeds, DLS Staff

(804) 786-3591

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

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

A Department of Education spokesperson explained that approximately 90% of all localities offer the minimum 45-hour driver education course, while 10% offered a 90-hour course.

HJR 637: Joint Subcommittee Studying Childhood Obesity in Public Schools

July 11, 2007

The Joint Subcommittee Studying Childhood Obesity in Virginia's Public Schools held its first meeting in Richmond. HJR 637 directs the members to ascertain methods of combating childhood obesity in the public schools. Delegate John M. O'Bannon was elected chair and Senator Linda T. Puller was elected vice-chair. Delegate O'Bannon and Secretary of Health and Human Resources, Marilyn Tavenner, gave brief opening remarks, stressing the importance of addressing this issue at the state level.

Background

Staff first gave a brief overview of the findings of last year's Senate Education and Health Special Subcommittee on Childhood Obesity, which was established to examine SB 206 from the 2006 Session. SB 206 would have required the Board of Education to promulgate regulations, in cooperation with the State Department of Health, establishing standards to facilitate the prevention and reduction of childhood obesity in the public schools and the division superintendents to complete instruction concerning the causes and consequences of overweight and obese students, and the relationship between nutrition and health.

During the 2006 interim, the special subcommittee held two meetings. The first meeting was focused on initiatives throughout the state aimed at combating obesity. The second meeting focused on local school board perspectives, where representatives of various school boards spoke about the difficulties in implementing healthier options in school cafeterias. The subcommittee also learned of Virginia's indefinite physical education requirements. The special subcommittee took no action on SB 206.

Presentations

Lynne Fellin, a DOE spokesperson and a joint subcommittee member, updated the members on the DOE's obesity-related initiatives. She detailed the implementation of the federally mandated local wellness policies. The policies are required of any school division that participates in the federal school lunch or school breakfast program. Ms. Fellin pointed out that

in Virginia, no competitive foods may be sold during lunch periods, but otherwise the DOE does not regulate competitive foods, such as those sold in vending machines or school stores. Delegate O'Bannon and other joint subcommittee members agreed that they would like more information on what schools do with the funds raised by vending machine and other outside sales at the next meeting. The members were also interested in any information school divisions gathered on the height, weight, or body mass index of students. While representatives stressed that DOE data is not required to be reported, they agreed to gather any information that has been voluntarily reported for the next meeting.

Joe Hilbert, Department of Health, gave an update on the agency's efforts to prevent obesity. He explained that the final CHAMPION Report is due by the summer of 2008; this report is of a five year plan detailing which programs should be implemented throughout the state. At that time, the Health Department hopes to provide funding opportunities to implement these programs at the local level. He gave some examples of programs currently being funded by grants to various local health districts.

Mr. Hilbert discussed the upcoming Governor's Healthy Students Summit, which will take place in Richmond on September 20. Nearly 400 representatives of local school divisions and local health departments are expected to attend, where they will learn about recent collaborations between public education and public health for the prevention of childhood obesity. Participants will also learn how both the federal Local Wellness Policies and the Governor's Scorecard for Nutrition and Physical Activity can be used as tools in developing obesity prevention efforts.

Public Comment

After a brief public comment period, the chairman asked the members for their comments. Several members expressed an interest in seeing any available data on current obesity rates among Virginia's public school children. There was a general sense of agreement that childhood obesity is a complex issue, which will require a multifaceted approach. Public schools have limited control over student's exercise and eating habits, and many members commented

Several members echoed the general consensus that childhood obesity is a complex issue and that there is a need to involve families and the communities in order to change the culture that has led to such an increase in obesity rates.

Study members have requested information regarding the funds raised by vending machine and other food sales in the public schools.

on the need to involve families and communities, in order to change the culture that has led to such an increase in obesity rates.

Future Meetings

Delegate O'Bannon asked to hear from a representative of the Centers for Disease Control and Prevention at the next meeting. He also requested that the Department of Education report any information they have on obesity rates in various school divisions, as well as information on the funds raised by vending machine and other competitive food sales in schools. Staff was asked to gather information on what other states have done to combat childhood obesity. The next meeting of the joint subcommittee is scheduled for August 29, 2007, at the General Assembly Building in Richmond.

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>

HJR 25: Joint Subcommittee Studying Science, Math, & Technology Education

July 16, 2007

The Joint Subcommittee Studying Science, Math, and Technology Education held its second meeting of the 2007 interim in Richmond with Delegate John Cosgrove as chair.

Presentations

The Virginia Tech Department of Engineering - Inventing the Future of Engineering Education

Dr. Hayden Griffin, Department Head of Engineering Education, Virginia Tech, gave the joint subcommittee an overview of Virginia Tech's Engineering Education Department. He informed the joint subcommittee that Virginia Tech's program is one of two in the country and currently has 15 faculty members. Dr. Griffin explained, that based on empirical research, it is necessary to capture a student's interest in science and technology by 3rd grade, because it is likely a child has already developed attitudes or attributes in favor or against STEM (Science, Technology, Engineering, Math) subjects by that time.

Dr. Griffin presented a general outline of the graduate program in engineering education. The first course was offered in the spring of 2004 and Virginia Tech currently has 11 approved courses ranging from Foundations of Engineering Education, to Presenting Engineering Research,

and Advanced Engineering Research Methods. A Virginia Tech graduate student with an undergraduate degree in engineering or science may earn a graduate certificate in engineering education by taking 13 credits of graduate work in engineering education. The certificate is viewed as important in assisting students "stand out" from the crowd of traditional engineering graduates. Finally, Virginia Tech has recently proposed a doctoral program in engineering education, which was approved by the Board of Visitors in March and is on the agenda for approval at the SCHEV meeting on September 11, 2007. The program will be the second doctoral program founded in the United States and hopes to have an enrollment of approximately 25 students, with six degrees awarded each year.

Dr. Griffin noted his desire to reach out to prekindergarten and K-12 grade teachers by way of in-service courses in engineering. He has drafted eight one-credit distance learning courses in basic engineering concepts with a goal to introduce them sometime during 2008 so that teachers at every grade level will feel comfortable introducing engineering concepts in the classroom.

Content Standards in Physics, Chemistry, and Engineering

Mr. Jim Batterson, Special Assistant on Loan from NASA to the Commonwealth's Secretary of Education spoke to the members about the analysis completed by three different panels

formed to look at the physics, chemistry, and engineering curriculums in the Commonwealth. The panels are comprised of practicing scientists and engineers, who met for two days at the National Institute of Aerospace in Hampton to discuss the "gaps" in content in each of the three educational areas. There were nine members on both the physics and chemistry panels, and 14 members on the engineering panel. Mr. Batterson reported to the joint subcommittee on the preliminary findings of the panels and noted that the final reports from each panel will be published by the end of the summer.

The panels were asked to identify what 80-90% of high school graduates need to know about physics, chemistry, and engineering in order to participate in political, social, economic, and technological businesses in the 21st century.

The engineering panel found that there is no STEM program in Virginia, because the "E" for the engineering component is missing. Engineering is generally taught through career and technical education courses, which are not required for all students. The panel believes that the engineering design process offers a different perspective from the scientific method, and that it should be required content to be taught in the Commonwealth. The panel advocates wide-spread implementation of the Children's Engineering Guide for grades K-5, as well as Project Lead the Way, an engineering program currently utilized in only 14 of 132 school divisions in Virginia.

The chemistry and physics panels recommend that more labs and demonstrations should be assessed and integrated into the physics and chemistry courses. Also, the panels believe that teachers should have more leeway in developing course content, emphasizing that course content is changing rapidly and teachers need the flexibility to eliminate some existing modules. Similarly, because it is difficult to keep current textbooks, the panels believe that teaching contemporary applications and emerging technologies of physics and chemistry is essential and could be accomplished by an open-source electronic bulletin board developed by the DOE.

Concerns and Recommendations Regarding Math and Science Education

Mr. Speaker Pollard, a partner with Christian and Barton, LLP, and a board member of the Virginia Mathematics and Science Coalition gave the members an overview of the Coalition's work on the issue, and its recommendations for improving math and science education in the Commonwealth. His comments focused on challenges related to the

strengthening of mathematics and science education, including a means to alleviate the current shortage in math and science teachers and a need to develop well-prepared and qualified math and science teachers and implement new technology, media, and models of teaching.

Mr. Pollard noted that Virginia is facing an increasing shortage and attrition rate for math and science teachers. He emphasized that it is essential that any strategy considered must include ways to strengthen the work force in these two subject areas, as the implementation of any improved curricula is completely dependent upon a teacher's ability to teach the subject, as well as interest students in math and science.

Mr. Pollard closed with a detailed explanation of the Coalition's recommendations for improving math and science education, such as:

- Update research of problems.
- Improve teacher preparation and professional development.
- Support preparation and implementation of math specialists.
- Consider a science specialist endorsement with economic incentives.
- Review and revise SOQ/SOLs.
- Review and revise licensure requirements.
- Consider funding, investment, and development of a coordinated strategy.

Next Meeting

The joint subcommittee plans to have two meetings during the 2007 interim. The next meeting will be held in September in Northern Virginia at a location to be announced and the final meeting will be held in Richmond in November.

HJR 25

Joint Subcommittee to Study Science, Math, & Technology Education

Delegate John A. Cosgrove, Chair

Nikki Seeds and Patrick Cushing, DLS Staff
(804) 786-3591

study website

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

Three panels of experts were asked to identify what most high school graduates need to know about physics, chemistry, and engineering in order to participate in political, social, economic, and technological businesses in the 21st century.

HJR 743 - Joint Subcommittee Studying Incentives for Fire & Rescue Squad Volunteers

July 24, 2007

Organization

During its organizational meeting in Richmond, the Joint Subcommittee Studying Incentives for Fire and Rescue Squad Volunteers elected Delegate Thomas Rust as chair and Senator Nick Rerras as vice-chair. The chairman then made opening remarks and asked the other seven members of the joint subcommittee to introduce themselves and provide some background. Other members of the joint subcommittee are Delegates Bobby Orrock, Tommy Wright, and Johnny Joannou, Senator Phil Puckett, and citizen members Garland Hamlett and Robert M. Woodall III.

Work Plan

Staff reported an overview of the study resolution, a history of volunteer fire companies and rescue squads, a review of four prior studies in which retention and recruitment was addressed to some extent, and an outline of what the joint subcommittee may consider doing during its tenure. The members may meet up to three more times and must complete their work by November 30, 2007, with an executive summary of their findings and recommendations due no later than January 9, the first day of the 2008 General Assembly session.

Presentations

Mr. Charles Singleton, with the Virginia State Firefighters Association, addressed the subcommittee next. He thanked the members for their interest and asked them to consider providing funding for the Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund. The Fund was created in 1999 as a type of retirement fund for active volunteer firefighters and rescue squad members. The General Assembly has not provided any funding, other than for administrative costs, to the Fund in the eight years of its existence. Eligible volunteers have made contributions, however, at \$30 per quarter/\$120 per year.

Mr. Singleton was followed by Mr. Gary Dalton and Mr. Ed Rhodes, who spoke on

behalf of the Virginia Association of Volunteer Rescue Squads, Inc., (VAVRS). VAVRS works with volunteer rescue squads in leadership training as well as retention and recruitment. Volunteer rescue squads have been losing members in recent years for a variety of reasons and they are working to reverse that trend with a variety of incentives. Both speakers indicated, however, that more needs to be done through local and state government assistance.

Mr. Rhodes mentioned some of the incentives that surrounding states, such as Maryland, West Virginia and North Carolina provide to volunteer firefighters and rescue squad members. Staff is collecting information from all 49 states regarding such incentives and will present the findings at a later meeting of the joint subcommittee.

Other Business

The chairman opened the floor to comments and two individuals took the opportunity to speak. One was a volunteer firefighter and the other a volunteer rescue squad member. Both talked about the strain being put on volunteer departments due to the smaller number of volunteers. It was suggested that a monetary length of service award program to reward those volunteers who attain a certain number of hours of service could be considered as a new incentive. The idea is to provide volunteers the opportunity to break even regarding their personal expenses incurred while volunteering.

The joint subcommittee decided to invite a sociology professor from Longwood University, who has specialized in the study of volunteer firefighters and rescue squads, to address them at the next meeting. In addition, representatives from the Office of Emergency Medical Services and the Virginia Department of Fire Programs will also be asked to appear at the next meeting to explain their respective roles with regard to volunteer rescue squads and fire departments.

The Virginia State Firefighters Association, VAVRS, the Virginia Municipal League and the Virginia Association of Counties were also asked to assist in providing more information as needed throughout the course of the study and their representatives were more than willing to

Several speakers emphasized that volunteer emergency fire and rescue squads have been losing members in recent years and that local and state government assistance is needed to reverse that trend by way of incentives to increase retention and recruitment.

help. There being no further business, the meeting was adjourned.

HJR 743

Next Meeting

The next meeting of the joint subcommittee will be held in late August and a third meeting in late September. Once the dates are set, the information will be posted on the meeting calendar on the General Assembly website, as well as the study website sponsored by DLS.

Joint Subcommittee to Study Incentives for Fire and Rescue Squad Volunteers

Delegate Thomas D. Rust, Chair

Joan Putney, DLS Staff
(804) 786-3591

study website

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

Meeting Calendar for August '07

<i>Study / Commission Name</i>	<i>Meeting Information</i>	<i>DLS Staff</i>
Disability Commission	1:00 p.m., Monday, August 13, 2007 General Assembly Bldg, House Room D	Frank Munyan
Manufacturing Development Commission	10:00 a.m., Tuesday, August 14, 2007 Liebherr Mining Equipment Company 4100 Chestnut Avenue, Newport News	Frank Munyan
Civil War Commission Education Workgroup	1:00 p.m., Wednesday, August 15, 2007 General Assembly Bldg, 6th Floor Conference Room	Cheryl Jackson, Hudaidah Bhimdi
Martin Luther King Jr. Commission	10:00 a.m., Thursday, August 16, 2007 General Assembly Bldg, House Room C	Brenda Edwards
Science & Technology in Higher Education—HJR 611	1:00 p.m., Thursday, August 16, 2007 Capitol, House Room 1	Lisa Wallmeyer, Jessica Eades
Freedom of Information Advisory Council	10:00 a.m., Wednesday, August 22, 2007 General Assembly Bldg, 6th Floor Conference Room	Maria Everett, Alan Gernhardt
Fire and Rescue Squad Volunteers Recruitment and Retainment—HJR 743	10:00 a.m., Thursday, August 23, 2007 General Assembly Bldg, House Room D	Joan Putney, Amigo Wade
Childhood Obesity	1:30 p.m., Wednesday, August 29, 2007 General Assembly Bldg, House Room C	Nikki Seeds, Jessica Eades
Open Space Lands and Farm Preservation	1:00 p.m., Thursday, August 30, 2007 Algonkian Regional Park, 47001 Fairway Drive, Sterling, Virginia	Mark Vucci, David Rosenberg, Kevin Stokes

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 9. ENVIRONMENT

STATE WATER CONTROL BOARD

Proposed Regulation

9VAC25-740. Water Reclamation and Reuse Regulation (adding 9VAC25-740-10 through 9VAC25-740-210).

Public hearings will be held September 17, 2007, at 2 p.m., Department of Environmental Quality, West Central Regional Office, 3019 Peters Creek Road, Roanoke, VA; September 21, 2007, at 2 p.m., Department of Environmental Quality, Tidewater Regional Office, 5636 Southern Boulevard, Virginia Beach, VA; September 24, 2007, at 2 p.m., Department of Environmental Quality, Piedmont Regional Office, 4949 Cox Road, Glen Allen, VA. Written public comment may be submitted until October 9, 2007.

Summary:

The proposed regulation establishes requirements for the reclamation and reuse of wastewater that are protective of state waters and public health. Contained in the regulation are two sets of treatment standards and monitoring requirements for the reclamation of municipal wastewater, and provisions to develop treatment standards for the reclamation of industrial wastewater on a case-by-case basis. For six reuse categories (urban-unrestricted

access, irrigation-unrestricted access, irrigation-restricted access, landscape impoundments, construction, and industrial), the regulation specifies the required treatment standards and allows for the approval of other reuses and associated treatment standards commensurate with the quality of the reclaimed water and its intended reuse. This regulation also details requirements for application and permitting; design, construction, operation and maintenance of water reclamation systems and reclaimed water distribution systems; management of pollutants from significant industrial users; access control and signage; public education and notification; management of reclaimed water in use areas; recordkeeping; and reporting.

For additional information please contact Valerie Rourke, Department of Environmental Quality, Richmond, VA, telephone (804) 698-4158, FAX (804) 698-4116, or email varourke@deq.virginia.gov.

TITLE 13. HOUSING

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Proposed Regulation

REGISTRAR'S NOTICE: The Board of Housing and Community Development is claiming an exemption from the Administrative Act pursuant to §2.2-4006 A 13 of the Code of Virginia, which excludes regulations adopted by the Board of Housing and Community Development pursuant to Statewide Fire Prevention Code (§27-94 et seq.), the Industrialized Building Safety Law (§36-70 et seq.), the Uniform Statewide Building Code (§36-97 et seq.), and §36-98.3 of the Code of Virginia, provided the board (i) provides a Notice of Intended Regulatory Action in conformance with the provisions of §2.2-4007.01, (ii) publishes the proposed regulation and provides an opportunity for oral and written comments as provided in §2.2-4007.03, and (iii) conducts at least one public hearing as provided in §§2.2-4009 and 36-100 prior to the publishing of the proposed regulations.

13VAC5-31. Virginia Amusement Device Regulations (amending 13VAC5-31-20, 13VAC5-31-30, 13VAC5-31-40, 13VAC5-31-210; adding 13VAC5-31-75, 13VAC5-31-85, 13VAC5-31-220, 13VAC5-31-230, 13VAC5-31-240, 13VAC5-31-250, 13VAC5-31-260, 13VAC5-31-270; repealing 13VAC5-31-70, 13VAC5-31-80, 13VAC5-31-90, 13VAC5-31-100, 13VAC5-31-110, 13VAC5-31-120, 13VAC5-31-130, 13VAC5-31-140, 13VAC5-31-150, 13VAC5-31-160, 13VAC5-31-170).

Written public comment may be submitted until September 23, 2007.

Summary:

The Virginia Amusement Device Regulations (VADR) are regulations governing the construction and operation of amusement devices, which are by statutory definition devices or structures open to the public by which persons are conveyed or moved in an unusual manner for diversion and passenger tramways. The regulations are very closely related to the Virginia Uniform Statewide Building Code (13 VAC 5-63) as, also by statutory arrangement, the USBC applies to amusement devices to the extent that they are not superseded by the VADR. The VADR utilizes nationally recognized standards to provide the technical requirements for the construction and operation of amusement devices. The standards are produced by the American Society for

Testing and Materials and new standards are developed from time and time and when available are considered for incorporation into the VADR. To coincide with the updating of its other building and fire regulations, the Board of Housing and Community Development initiates a regulatory action to incorporate the newer standards into the regulations through the publishing of a proposed regulation. Those affected by the regulations then review the proposed regulations to assure that the newest standards reflect the minimum standards necessary for the safe construction and operation of amusement devices. After the publishing of the proposed regulations, the board establishes a comment period for the acceptance of code change proposals to modify the standards or any provisions of the entire regulation. Code change proposals are assimilated into a compilation document containing a staff evaluation of each proposal and the compilation document is reviewed by client groups during a second comment period and additional comments on each proposal are accepted. A public hearing is also held. The board then considers all comments on all proposals and develops a final regulation to complete the regulatory process.

Changes in the proposed regulation may be categorized into two groups. The first group includes changes necessary to incorporate the newest editions of the nationally recognized standards into the regulations. These changes are located in § 13 VAC 5-31-40.

The second group of changes includes general clarifications and correlation changes. These changes are simply to more closely match legislative language and to coordinate the application of the regulations with the other building and fire regulations of the board. This group of changes are developed by an Amusement Technical Advisory Committee, an advisory committee appointed by the board pursuant to § 36-98.3 of the Code of Virginia and consisting of five members, who by virtue of their education, training or employment, have demonstrated adequate knowledge of amusement devices or the amusement device industry. This group of changes is summarized below by section number.

13 VAC 5-31-30: Clarification of exemptions from the regulations to include new language for water slides used in community club swimming pools.

13 VAC 5-31-70 – 13 VAC 5-31-85: Combining the owner and operator responsibilities with the local building department responsibilities to provide a more logical arrangement of the requirements without any substantive changes.

13 VAC 5-31-75(C): Change in the liability insurance requirements based on standard industry practice and a more standardized wording of the requirements.

13 VAC 5-31-75(E): Adding a requirement that the local building department personnel verify that a private inspector being utilized to inspect amusement devices is properly certified under the board's amusement device inspector certification program.

13 VAC 5-31-210: Adding an allowance for rock-climbing walls which have a valid certification of inspection to be moved and setup at a different location provided the certificate of inspection was issued within the past 90 days.

Part VIII-Bungee Jumping: Moving the requirements to the end of the regulation without any substantive changes.

As discussed above in the description of the procedures the board uses to update its building and fire regulations, since all the regulations are interrelated and must be coordinated, the board will consider code change proposals on all provisions of this regulation during the comment period after the proposed regulations are published.

For more information please contact Steve Calhoun, Regulatory Coordinator, Department of Housing and Community Development, Richmond, VA, telephone 804-371-7015, FAX 804-371-7090, or email steve.calhoun@dhcd.virginia.gov.

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Proposed Regulation

13VAC5-91. Virginia Industrialized Building Safety Regulations (amending 13VAC5-91-20, 13VAC5-91-100, 13VAC5-91-160, 13VAC5-91-270; repealing 13VAC5-91-110).

Written public comment may be submitted until September 23, 2007.

Preamble:

The Virginia Industrialized Building Safety Regulations (IBSR) are regulations governing the in-factory construction of industrialized buildings, which are also known as modular buildings.

The regulations provide the same standards for construction as those buildings constructed on-site and regulated by the Virginia Uniform Statewide Building Code (13 VAC 5-63) (the USBC). Both regulations utilize nationally recognized model building codes and standards to provide the technical requirements for the actual construction of the regulated buildings. The model codes are produced by the International Code Council and every three years new editions of the model codes become available.

Summary:

Changes in the proposed regulation may be categorized into two groups. The first group includes changes necessary to incorporate the newest editions of the nationally recognized model codes and standards into the regulations. The newest editions of the model codes are the 2006 editions.

The second group of changes consists of general clarifications and correlation changes. These changes are simply to more closely match legislative language and to coordinate the application of the regulations with the USBC and with the Virginia Manufactured Home Safety Regulations (13 VAC 5-95).

For more information please contact Stephen W. Calhoun, Regulatory Coordinator, Department of Housing and Community Development, telephone 804-371-7000, FAX 804-371-7090, TTY 804-371-7089, or email steve.calhoun@dhcd.virginia.gov.

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF DENTISTRY

Proposed Regulation

18VAC60-20. Regulations Governing the Practice of Dentistry and Dental Hygiene (adding 18VAC60-20-81; amending 18VAC60-20-108, 18VAC60-20-190, 18VAC60-20-220).

A public hearing will be held on September 7, 2007, at 9 a.m., Department of Health Professions, 9960 Mayland Drive, Richmond, VA. Written public comment may be submitted until October 5, 2007.

Summary:

The board is proposing to amend regulations to comply with a statutory mandate as set forth in Chapter 858 of the 2006 Acts of Assembly. The proposed amendments

establish education and examination requirements for a dental hygienist to demonstrate competency in the administration of local anesthesia and nitrous oxide under the direction of a licensed dentist, including a minimum of eight didactic and clinical hours for administration of nitrous oxide and 36 hours for administration of both nitrous and local anesthesia.

For more information please contact Sandra Reen, Executive Director, Department of Health Professions, Richmond, VA, telephone (804) 662-9906, FAX (804) 662-9943, TTY 804-662-7197, or email sandra.reen@dhp.virginia.gov.

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

Division of Legislative Services

910 Capitol Street, 2nd Floor

Richmond, Virginia 23219

(804) 786-3591

E. M. Miller, Jr., Director
R.J. Austin, Manager, Special Projects
Lynda Waddill, Editor

© 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>

Division of Legislative Services
910 Capitol Street, GAB, 2nd Floor
Richmond, Virginia 23219

