

# Virginia Legislative Record

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Virginia Division of Legislative Services

## VIRGINIA CODE COMMISSION

June 7, 2011

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*For more information, visit study and commission websites. DLS staff members maintain comprehensive study and commission websites that contain complete summaries of meetings and links to additional information, handouts, and resources.*

The Virginia Code Commission (Commission) met in Richmond, with Senator Edwards, chair, presiding.

### Foreword—*Code of Virginia*

Mr. Moncure updated the Commission on the status of the edited version of the Foreword to the *Code of Virginia*, which will be published in the 2011 Replacement Volume 1 scheduled for release in September. After discussing whether to remove or retain the reference in the Foreword to the publication of local acts, and upon learning that uncodified local acts, such as charters and authorities, are maintained on the Division of Legislative Services' website, Mr. Moncure stated that he will edit this information into the Foreword as a resource, to which all members agreed. The final compilation of the Forward will be presented to the Commission at its next meeting.

### Incorporation by Reference of Federal Law—*Code of Virginia*

Jessica Eades, Senior Attorney, Division of Legislative Services

Ms. Eades presented a proposed work plan with several options for studying the practice of incorporating federal law by reference in the *Code of Virginia*. Some of the issues include whether the use of "as amended" or similar references raises a constitutional issue for prospective incorporation. Some of the other states permit

prospective incorporation by reference, and some do not. The Virginia constitution currently limits prospective incorporation to the tax laws.

A member suggested that NCSL or another national group might be a resource for more information. Another member observed that, regardless of the outcome of a study as it relates to adopting federal law by reference, the Commission should also address the issue of adopting a private group's standards prospectively and any related constitutional issues. Ms. Eades advised that a 1994 Attorney General opinion addresses the unconstitutional delegation of private standards.

After reviewing and discussing the presented options on the work plan, the Commission asked Division of Legislative Services' staff to conduct a 50-state survey to see how the issue is addressed in each state, analyze the *Code of Virginia* for use of incorporated by reference and identify terminology inconsistencies, and present this information to the Commission at a future meeting. By consensus, the Commission approved the work plan.

### Title 64.1 Recodification

David Cotter, Senior Attorney, Division of Legislative Services

Mr. Cotter presented proposed Chapter 4 of Title 64.2 (Personal Representatives and Administration of Estates). The Commission discussed or took action on the following sections:

- § 64.2-200 - Staff was asked to have the work group revisit the "bond" language in subsection B.
- § 64.2-202 C - Staff will rewrite subsection C to clarify the language in clause (ii).
- § 64.2-205 - The Commission voted to rewrite subsection A by providing that the

The Virginia Code Commission is currently working on the recodification of Title 64.1.

clerk of the court may require a personal representative to furnish security.

- § 64.2-210 - The Commission discussed the provisions for recording and indexing affidavits relating to the real estate of an intestate decedent and the payment of fees before recordation. Members discussed the reasonableness of recording the affidavit in both the will book and deed book. They wanted it to be clear that only one fee can be collected if recorded in both books.
- § 64.2-219 - Staff was asked to clarify the language pertaining to “suits for personal injury or wrongful death” and to update the section catchline.
- § 64.2-239 - A question about the constitutionality of the language incorporating federal law arose. The Commission will revisit the issue once the study on prospective incorporation by reference of federal law is finalized.
- § 64.2-246 - Staff was asked to rewrite the term “executor de son tort” in understandable language.
- § 64.2-248 - The Commission discussed replacing “devastavit” with plain language. Staff explained that the work group decided to retain the term rather than modernize the language because of concern about inadvertently omitting something.
- § 64.2-250 B (line 955) - The Commission discussed the language that reads: “The personal representative shall give written notice by personal service or by regular, certified, or registered mail... .” By consensus, the Commission asked staff to consult the Joint Commission on Technology and Science about drafting a general bill to expand mail delivery services for court filings to include email and mail service carriers other than the U.S. Postal Service (such as FEDEX and UPS).

Mr. Cotter advised that he plans to present Subtitle IV at the July meeting.

## Virginia Administrative Code Price Increase Request

The *Virginia Administrative Code* publishing contract provides West (Thomson-Reuters) with the opportunity to request an increase each year after publication of the final annual Producer Price Index Industry Data for Book Publishers -- Technical, Scientific, and Professional Book Publishing. From January 2009 to January 2010, the index increased by 6.8 percent. The Commission approved a 6.8 percent price increase request from West for the *Virginia*

*Administrative Code* print supplements and volumes.

## Virginia Code Commission Regulations

Karen Perrine, Regulatory Analyst,  
Division of Legislative Services

Ms. Perrine explained the Commission’s statutory authority to issue regulations as they relate to the Virginia Register Act and the *Virginia Administrative Code*. She stated that the regulations were last updated in 1994 and outlined a number of issues that need to be addressed. A work group of agency regulatory coordinators and Registrar’s office staff will meet and prepare a draft of regulations for consideration by the Commission later this year. The Commission approved the work plan for updating the Code Commission regulations as presented.

## Next Meeting

The Code Commission met on July 18, 2011, and will meet again on September 7, 2011.

### VIRGINIA CODE COMMISSION

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## Did You Know?

“Did You Know?” appears in each issue of the *Virginia Legislative Record*. The article features important topics or interesting facts relevant to the Virginia legislature. For general questions or topic suggestions, please contact the Division at (804)786-3591 or email [mtanner@dls.virginia.gov](mailto:mtanner@dls.virginia.gov).

### Preambles

#### Definition

Preambles in legislation are the prefatory statements beginning with “Whereas” that give reasons for the substantive provisions that follow.

#### Preambles in Resolutions

Resolutions contain preambles to explain the opinion or will of the General Assembly expressed in the resolution. Less formal than bills, resolutions are not subject to the same constitutional requirements for enactment.

#### Preambles in Bills

The use of preambles in bills is discouraged since the reasons for the act are self-explanatory and the legislation is well understood by the public and the General Assembly during the legislative process. In bills, because the preambles precede the “enacting statement” (Be it enacted...), it is understood that they are not part of the law. “Preambles can neither limit nor extend the meaning of a statute which is clear and unambiguous.”<sup>1</sup> Even though some preambles offer facts that provide reason to enact the bill, courts generally hold that a fact offered for the enactment of a statute is not binding on the court. The judicial branch by way

of the separation of powers clause is given the prerogative of fact finding and statutory interpretation.

Other reasons for discouraging preambles in bills are simple. In Virginia, legislation is summarized in its original form, at its engrossment, and at its enrollment. Summaries provide good explanations and statements of reason for the legislative action. While the summaries are not a part of the enacted legislation, they are part of the record of the legislation. As the bill goes through the legislative process there may be need to amend the preamble so it accurately reflects the reasons for the bill. A preamble drafted on a bill is part of the Act of Assembly, but is not codified. After enactment, the user of the *Code of Virginia* would need to retrieve the original act to find the preamble. Once the original act is amended, the preamble may not accurately reflect the later enacted statute and the state of the law.

C. William Crammé III, Deputy Director

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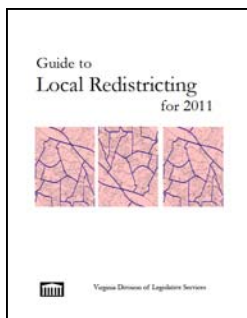
<sup>1</sup>Thomson/West, Sutherland Statutory Construction, 2007 New Edition; see Chapters 20 and 47.

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### *Guide to Local Redistricting for 2011*—Notable Document Award Winner

The Division of Legislative Services was honored recently when it received notification that a *Guide to Local Redistricting for 2011* had been selected to receive a Notable Document Award from the National Conference of State Legislatures’ Legislative Research Librarians Section. *Guide to Local Redistricting for 2011* was one of 13 documents selected to receive the prestigious award.

Mary Spain, a Senior Attorney in the Special Projects Section of the Division of Legislative Services, authored the *Guide* while other staff members involved in review, production, and editing included Jack Austin and Mindy Tanner.



# Virginia Disability Commission

June 20, 2011

*Studies of the return on investment for vocational rehabilitation programs showed returns estimated to range from \$2.58 to \$3.88 for every dollar invested.*

Staff reported at the second meeting of the interim that a draft of a letter requesting the cooperation of various commissions, councils, boards, and agencies providing services to persons with physical and sensory disabilities would be made available to the members of the Disability Commission for review the following day, and that once the members had approved the letter, the letter would be mailed to the commissions, councils, boards, and agencies identified.

## Vocational Rehabilitation Program Information

James Rothrock, Commissioner,  
Department of Rehabilitative Services

Mr. Rothrock provided additional information about the Department's vocational rehabilitation program requested by Commission members at the previous meeting. Commissioner Rothrock provided information on program demographics and disability groups served, noting that for FY 2010, individuals with cognitive or other mental impairments composed the largest group of service recipients. Commissioner Rothrock reported that the Department had seen substantial increases in the number of individuals with autism and substance abuse disorders, as well as deaf and hard-of-hearing individuals. Special challenges for the vocational rehabilitation program for FY 2010 included a substantial increase in the number of individuals with limited English proficiency and in the number of veterans seeking services.

Commissioner Rothrock also noted that an Order of Selection had been imposed on March 1, 2011, with all service categories closed at that time. As a result, individuals in need of services were being placed on waiting lists, with 1,010 consumers waiting for services at the time of the meeting. For individuals already engaged in the voca-

tional rehabilitation program, Commissioner Rothrock reported average hourly wages of successful cases at \$9.40 per hour, and \$8.46 per hour for transition clients aged 24 and under. Ninety-three percent of program clients were earning at or above minimum wage. In response to questions posed at the May meeting of the Disability Commission, Commissioner Rothrock stated that studies of the return on investment for vocational rehabilitation programs had estimated returns of \$2.58 to \$3.88 for every dollar invested.

In closing, Commissioner Rothrock stated that funding for the vocational rehabilitation program was insufficient, and that additional funds were necessary for the program to meet matching requirements to access federal funds and continue to serve individuals in need of assistance.

## HB 1880/SB 1175 and HB 2342

Kristin Collins, Policy Analyst, Virginia  
Department of Taxation

Ms. Collins provided information about House Bill 1880/Senate Bill 1175 (2011), which sought to establish an individual income tax deduction for contributions to supplemental needs trusts for individuals with disabilities, and House Bill 2342 (2011), which sought to provide a tax credit for employers who hire qualified disabled individuals.

House Bill 1880/Senate Bill 1175 sought to create individual income tax deductions for contributions of up to \$2,000 per year to qualified trusts, including disabled individuals' special needs trusts, nonprofit pooled income special needs trusts, and third-party supplemental needs trusts. The bills would have also established an exclusion from Virginia income taxes for any income earned by a qualified trust. Ms. Collins stated that the Department had been able to estimate the fiscal impact of a single trust at up to \$115 in lost tax income for the Commonwealth. However, the Department could not calculate the overall fiscal impact of the proposed legislation due to the fact that the Department could not estimate the number of trusts that might be established if the legislation had been

enacted. Ms. Collins did note that the Department of Medical Assistance Services reported 189,536 blind or disabled persons enrolled in the Medicaid program in FY 2009, and that a qualifying trust could have been established for each person.

House Bill 2342 sought to create a tax credit for employers who hired a qualified employee with a disability. The legislation would have allowed an employer to claim a credit equal to 20 percent of the first \$5,000 of annual wages paid to a qualifying employee during the first two years of employment. A qualifying employee would be any person with a disability who had completed or was in the process of completing a rehabilitative program administered by the Department of Rehabilitative Services, the Department for the Blind and Vision Impaired, or the U.S. Department of Veterans Affairs. Ms. Collins reported that the Department of Taxation had not been able to calculate the exact fiscal impact of the proposed tax credit, as the number of qualifying employees for whom employers might claim the tax credit was unknown. Ms. Collins did state that a similar tax credit had been in place in Virginia between 1999 and 2002, and that during that period the total amount of tax credits claimed was less than \$4,000. One reason for the limited utilization of the previous tax credit might have been the availability of a similar federal tax credit.

## HB 2265

James Rothrock, Commissioner,  
Department of Rehabilitative Services

Mr. Rothrock provided information about the impact of House Bill 2265 (2011). Commissioner Rothrock noted that House Bill 2265, which did not pass, sought to amend existing language in the *Code of Virginia* to clarify the role of local disability services boards. Commissioner Rothrock noted that this bill was in direct conflict with another piece of legislation enacted by the General Assembly during the 2011 Session of the General Assembly. House Bill 2217 eliminated the requirement that localities establish and maintain disability

services boards. Commissioner Rothrock reported that House Bill 2217 had been requested by the administration, and that the Department of Rehabilitative Services had supported the legislation because funding for local disability services boards had been eliminated in previous years. As a result, House Bill 2217 merely eliminated language imposing an unfunded mandate for localities. Nothing in House Bill 2217 would prevent localities from continuing to operate local disability services boards if the locality provided funding for such boards.

## Work Group Reports

Following a two-hour recess during which the work groups met to identify issues and preliminary recommendations for action and to establish work plans for the remainder of the interim, the Disability Commission received reports from the work groups.

### Work Group #1, Housing and Transportation Work Group

Work Group #1 reported two recommendations:

- The Disability Commission should support legislation to establish the Disability Commission's work groups in statute. The new language should specifically require work groups focused on Housing and Transportation, Education and Employment, and Publicly Funded Services, as well as other work groups as may be needed, and should require the work groups to solicit input from stakeholders regarding problems and potential solutions. The work group noted that this would provide a "home" for specific topics related to services for persons with physical and sensory disabilities.
- The Disability Commission should introduce and support legislation increasing the amount available for tax credits under the Livable Home Tax Credit for housing that is directly accessible to a transportation system that would meet the transportation needs of individuals with physical and sensory disabilities. This change would clearly link housing and transportation for individuals with physical and sensory disabilities.

Work Group #1 also identified five items for further study, to be placed on the work group's work plan for following meetings. These included:

- Identifying specific regional/local transit systems within or outside of the Commonwealth that

*The Disability  
Commission heard  
reports on legislation  
considered during the  
2011 Regular Session  
of the General  
Assembly.*

*Disability Commission  
work groups met and  
identified items for  
further study.*

could serve as model systems for services to persons with physical and sensory disabilities.

- Identifying options for incentives for establishment of “feeder” public transportation systems that would link residential areas with existing public transportation systems.
- Evaluating how other states administer housing subsidies.
- Evaluating options for modifying the existing Auxiliary Grants Program to better address current needs, including options for better utilizing existing housing assistance resources to streamline the process, ways to ensure that people are linked with services for them, and ways to make a more user-friendly system.
- Identifying examples of promising public/private/faith-based housing assistance or transportation assistance initiatives.

### Work Group #2, Education and Employment Work Group

Work Group #2 identified eight items for further study, including:

- Options for ensuring that students have continued access to assistive technology that has been customized for them upon graduating or aging out of public education.
- Options for including teachers of the visually impaired in the Standards of Quality funding formula, ensuring appropriate caseloads for teachers of the visually impaired, and ensuring adequate funding for teachers of the visually impaired.
- Options for establishment of a brain injury waiver.
- Requirements for education of students in nursing homes and other residential settings, including the checks and balances that are currently in place to ensure that students receive appropriate education and support in transitioning to their home district.
- Need for funding for the Department of Rehabilitative Services’ vocational rehabilitation program, including funding necessary to eliminate the waiting list for services.
- Standards for interpreters for the deaf and hard of hearing in public schools.
- Changes in the Commonwealth’s policies related to services for the disabled and the aging/elderly.
- Activities of the recently established Autism Advisory Council, including activities related to education and employment of persons with autism.

### Work Group #3, Publicly Funded Services Work Group

Work Group #3 identified seven items for further study, including:

- Options for establishing publicly funded in-state neurobehavioral therapy options in Virginia.
- Options for better facilitation of Medicaid waiver services for persons with disabilities, including options for ensuring that private and nonprofit service providers have access to information to support effective provision of services and options for ensuring that public providers are able to meet service needs when private and nonprofit providers are not able to do so.
- Funding for service programs including the Personal Assistance Services Program, Community Rehabilitation Case Management Program, and brain injury services provided by the Department of Rehabilitative Services, and funding for Centers for Independent Living.
- Re-establishment of the Consumer Service Fund.
- Options for ensuring access to prosthetic devices including hearing aids and other devices.
- Options for ensuring that the Commonwealth is able to meet all state match requirements for federal funds and that the Commonwealth continues to access all available federal funds to support services for persons with physical and sensory disabilities.
- Options for increasing the number of health care professionals providing services for persons with physical and sensory disabilities, including issues around qualification, provider pay, and the use of technology to increase access to health care professionals.

## Next Meeting

The next meeting of the Disability Commission will be on August 17, 2011, at 2:00 p.m. The work groups will meet at least once before that meeting. The Disability Commission will also poll for a meeting in September.

### VIRGINIA DISABILITY COMMISSION

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# Virginia Bicentennial of the American War of 1812 Commission

July 18, 2011

The Virginia Bicentennial of the American War of 1812 Commission (Commission) and its Citizen Advisory Council held their first meetings of the interim in Richmond. Convening prior to the Commission, the Advisory Council was briefed by staff concerning bicentennial initiatives and events that occurred after the December 2010 meeting.

## Legislative Update

The 2011 Session of the General Assembly enacted House Bills 1602 and 1603. House Bill 1602 establishes the Virginia War of 1812 Heritage Trail, which is designed to accurately record and showcase Virginia's role and vast contributions to "*The Forgotten War: America's Second War of Independence*" through the use of current and new historical highway markers throughout the Commonwealth. The historical highway markers pay proper recognition to historical personalities, events, and landmarks related to the war, such as:

- Presidents James Madison and James Monroe.
- Governor James Barbour.
- First Ladies Dolly Madison and Elizabeth Monroe.
- Other Virginians who were national leaders during the war.
- The contributions of African Americans and role of Native Americans.
- Fallen British soldiers on Tangier Island.
- The Petersburg Volunteers and Virginia Militia.
- The invasion of the British in Hampton Roads.
- The burning of the White House and occupation of Alexandria.
- The hiding place of the Declaration of Independence and other national treasures.
- The burial sites of War of 1812 veterans.
- Historic buildings and ports dating to the war.
- The routes of both significant land and water battles in the Chesapeake Bay.

House Bill 1603 authorizes the issuance of a commemorative special license plate for the bicentennial. On the occasion of the ceremonial bill signing of the bills, the Governor noted that Virginia's commemoration of the bicentennial of the War of 1812 will "increase jobs, economic development, tourism, and revenue to the Commonwealth." The commemorative War of 1812 license plate will aid this goal by providing visibility for the Commission and directing the attention of Virginians, travelers, and tourists to the bicentennial of the war in Virginia. The license plate will be available for purchase in the fall.

## Status of Commemorative Events

OpSail 2012 Virginia

Several events marking the bicentennial have been planned in which the Commission has become engaged, including the legislative reception hosted by OpSail 2012 Virginia on January 25, 2011, in Richmond, which featured Governor Robert F. McDonnell. Staff worked with OpSail representatives and provided information for a graphical display of the Commission, its work, and planned bicentennial events and activities, which later became a part of the OpSail 2012 Virginia exhibit in the General Assembly Building.

Members of the Commission, Advisory Council, and staff attended the OpSail 2012 Virginia work group meetings to continue planning for this signature event of the bicentennial. The Commission and Commission's Advisory Council chairs also serve on the national Executive Steering Committee for OpSail 2012.

Prelude to the Bicentennial of the War of 1812 in Virginia

The *Prelude to the Bicentennial of the War of 1812 in Virginia* was held on March 16, 2011, at James Madison's Montpelier on the occasion of James Madison's 260th birthday. The events at Montpelier commenced Virginia's multiyear commemoration of the bicentennial of *America's Second War of Independence*, and the birth of the *Star-Spangled Banner*, the national anthem. The Commission, in collaboration

*The Virginia War of 1812 Heritage Trail showcases Virginia's role and contributions to "The Forgotten War: America's Second War of Independence."*

While Governor of Virginia, James Monroe signed into law in 1811 legislation to build Virginia's Executive Mansion.

with Montpelier, dedicated an historical highway marker to honor First Lady Dolley Madison, who is credited with using her great social skills to help promote morale in the nation during the War of 1812, and with saving important government documents and the portrait of George Washington by Gilbert Stuart that hung in the White House.

The dedication of the Dolley Madison historical marker was the first of several new historical markers included in the Virginia War of 1812 Heritage Trail. Virginia Secretary of Administration Lisa Hicks-Thomas was the speaker for the occasion and Mrs. Jean Ann Bolling, wife of the Lieutenant Governor, unveiled the historical marker. After the marker dedication ceremony, the Commission, together with other heritage organizations, participated in the wreath-laying ceremony led by the U.S. Marine Corps at the grave site of President James Madison. The Commission chair delivered the keynote address for the wreath-laying ceremony.

#### 253rd Birthday Ceremonies for President James Monroe

On April 28, 2011, the Commission participated in the James Monroe Memorial Foundation's commemoration of the 253rd birthday of President James Monroe with a wreath-laying ceremony at his burial site in Hollywood Cemetery in Richmond. United States Army Major General James L. Hodge presented the presidential wreath on behalf of President Barack Obama. Representatives of the Office of the Governor, and patriotic and War of 1812 heritage societies also made special presentations. The Commission's Advisory Council chair was the keynote speaker for the occasion. Celebratory events were continued with the Annual James Monroe Day Program at the James Monroe Birthplace in Westmoreland County on April 30, 2011. Mr. William Hall, President of Dominion Foundation, addressed participants and guests attending the program. A luncheon reception followed, and participants concluded the celebration with a visit to the James Monroe Law Office in Fredericksburg.

President James Monroe began his illustrious career of public service in 1782, with his election to the Virginia General Assembly. He was later elected Governor of Virginia, and during his tenure as Governor signed into law on February 13, 1811, legislation to build the Governor's Mansion. James Monroe also served in the Confederation Congress and the United States Senate during the first Congress, and as Minister to France, Spain, and Great Britain; Secretary of State, and Secretary of War. During the War of 1812, he served as acting Secretary of State and Secretary of War, simultaneously, the only official in the nation's history to occupy both offices at the same time. James Monroe was one of the first leaders to view America as a nation and not as a mere collection of states.

#### Virginia War of 1812 Heritage Trail

The Heritage Trail (Trail) is composed of current and new historical highway markers. Recently approved historical highway markers for the Trail by the Virginia Department of Historic Resources Board are:

- British Naval Blockade and Cape Henry Lighthouse at Virginia Beach.
- Capture of *Tappahannock* at Essex County.
- Capture of the *Dolphin* at Lancaster County.
- African Americans in the War of 1812 at Northumberland County.
- Lieutenant Colonel George Armistead at Caroline County.
- War of 1812 Opposition—John Randolph at Charlotte County.
- British Attacks on Kinsale and Mundy Point at Northumberland County.
- British Landing at Nomini Ferry at Westmoreland County.
- Richmond's War of 1812 Defensive Camps at Henrico County.
- Admiral Sir George Cockburn on the Chesapeake at Hampton.
- Governor James Barbour at Orange County.
- Dolley Madison at Orange County.
- War of 1812 Elizabeth River Defenses at Norfolk.
- War of 1812 Military Legacy at Hampton.



- Brigadier General Winfield Scott at Dinwiddie County.
- Sack of Hampton at Hampton.

The Commission approved requests from Charles City County and the James Monroe Museum and Memorial Library in Fredericksburg and directed staff to work with these and other groups to add sites to the Heritage Trail.

## Other Activities

The Commission’s commemorative brochure was distributed by the Virginia Hospitality and Travel Association to visitor centers along Interstates 95 and 64, prior to the Fourth of July holiday. In September 2011, the Commission will participate in the national conference of the American Association for State and Local History, which will be held in Richmond, and co-sponsor with Montpelier, the Conference’s “Military History/Presidential Sites and Libraries Affinity Groups Joint Breakfast.” In addition, discussions are being held with the British Embassy concerning its participation in bicentennial activities in Virginia. The Commission voted to participate in The Hermitage’s War of 1812 Blog, and, at the request of the Virginia Tourism Corporation, to add efforts by the Capital Region USA to advertise the bicentennial in international markets to the Commission’s work plan. Planning is also underway for a concert in January 2012, the production of a documentary by Blue Ridge PBS on the War of 1812 in Virginia, and the publication of a book and creation of an exhibit by the Virginia War Museum. Staff reported many other initiatives and activities, including the dedication of the Major General Joel Leftwich historical highway marker, the establishment of a listserv, updates to the website and Facebook, a request that localities pass resolutions supporting the bicentennial, and plans for a commemorative stamp.

## Appointments/Assignments

Announced were appointments by the chair to the Signage Subcommittee, pursuant to House Bill 1602 (2011), and to

the Star-Spangled Banner National Historic Trail’s federal advisory council meetings. Certain members of the Advisory Council have been designated by the Commission chair to assist the National Park Service with the implementation of the Star-Spangled Banner National Historic Trail and with other tasks such as working with the State of Ohio in establishing a monument to fallen Virginia soldiers buried at Fort Meigs, writing historical highway marker texts and materials for the website, and interfacing with HISTORY, formerly known as the History Channel.

*A symphonic tribute will be performed on January 11, 2012, to commemorate the bicentennial of the War of 1812.*

## Upcoming Signature Events

January 11, 2012	Virginia General Assembly-Bicentennial of the War of 1812: A Symphonic Tribute
June 1-12, 2012	OpSail 2012 Virginia
August 2012	Commemorative Event Marking the Burning of the White House and Occupation of Alexandria
June 2013	Chesapeake Bay Tour
June 2014	Legacy Symposium at Fort Monroe
June 2015	Memorial at Fort Meigs, Ohio
2011-2015	Dedication of Historical Markers
2012	War of 1812 Documentary, Book, and Exhibit

## Next Meeting

The next meeting will be posted on the General Assembly and Commission websites as soon as information is available.



### VIRGINIA BICENTENNIAL OF THE AMERICAN WAR OF 1812 COMMISSION

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<http://www.facebook.com/VAWarof1812>

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## Meeting Calendar for August–September 2011

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<b>JCOTS UCITA Advisory Committee</b> Lisa Wallmeyer/Wenzel Cummings	10:00 a.m., August 1, 2011—4th Floor West Conference Room, GAB
<b>Manufacturing Development Commission</b> Frank Munyan	1:00 p.m., August 4, 2011—Senate Room A, GAB
<b>JCOTS Electronic Privacy Advisory Committee</b> Lisa Wallmeyer/Wenzel Cummings	10:00 a.m., August 15, 2011—6th Floor Speaker’s Conference Room, GAB
<b>Virginia Housing Commission Timeshare Sub-Work Grop</b> Elizabeth Palen	10:00 a.m., August 15, 2011—4th Floor West Conference Room, GAB
<b>JCOTS Energy Advisory Committee</b> Lisa Wallmeyer/Wenzel Cummings	1:00 p.m., August 15, 2011—House Room C, GAB
<b>Virginia Housing Commission Neighborhood Transitions and Residential Land Use Work Group</b> Elizabeth Palen	10:00 a.m., August 16, 2011—GAB
<b>Virginia Disability Commission</b> Sarah Stanton	2:00 p.m., August 17, 2011—House Room C, GAB
<b>Commission on Unemployment Compensation</b> Frank Munyan	2:00 p.m., August 19, 2011—Senate Room A, GAB
<b>Virginia Housing Commission Affordability, Real Estate Law and Mortgages Work Group</b> Elizabeth Palen	Affordability, Real Estate Law and Mortgages Work Group 10:00 a.m., September 6, 2011—GAB Full Commission Meeting 1:00 p.m., September 6, 2011—House Room C, GAB
<b>Virginia Code Commission</b> Jane Chaffin	10:00 a.m., September 7, 2011—6th Floor Speaker’s Conference Room, GAB
<b>Small Business Commission</b> Frank Munyan	9:00 a.m., September 15, 2011—Senate Room A, GAB
<b>JCOTS UCITA Advisory Committee</b> Lisa Wallmeyer/Wenzel Cummings	1:00 p.m., September 21, 2011—4th Floor West Conference Room, GAB

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

**Members of the House of Delegates and Senate  
of Virginia requesting *multiple copies* of *The  
Legislative Record* should contact the Division of  
Legislative Services.**

## 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 *Virginia 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://register.dls.virginia.gov> or contact [epalen@dls.virginia.gov](mailto:epalen@dls.virginia.gov) or the Code Commission staff at (804) 786-3591 for further information.

#### TITLE 4. CONSERVATION AND NATURAL RESOURCES BOARD OF GAME AND INLAND FISHERIES

##### Withdrawal of Proposed Regulation

**REGISTRAR'S NOTICE:** The Board of Game and Inland Fisheries is exempt from the Administrative Process Act pursuant to § 2.2-4002 A 3 of the Code of Virginia when promulgating regulations regarding the management of wildlife. The department is required by § 2.2-4031 of the Code of Virginia to publish all proposed and final wildlife management regulations, including length of seasons and bag limits allowed on the wildlife resources within the Commonwealth of Virginia.

#### 4VAC15-20. Definitions and Miscellaneous: in General (amending 4VAC15-20-65).

*The Board of Game and Inland Fisheries has WITHDRAWN the amendments to the proposed regulation entitled 4VAC15-20, Definitions and Miscellaneous: In General, which were published in 27:17 VA.R. 2039-2042 April 25, 2011. On May 3, 2011, the board voted to withdraw the amendments to (i) add resident and nonresident bear hunting licenses to the list of license and permit fees and (ii) eliminate bear, deer, and turkey hunting licenses.*

For more information, please contact Phil Smith, Regulatory Coordinator, Department of Game and Inland Fisheries, Richmond, VA, telephone (804) 367-8341, or email [phil.smith@dgif.virginia.gov](mailto:phil.smith@dgif.virginia.gov).

#### TITLE 14. INSURANCE STATE CORPORATION COMMISSION

**REGISTRAR'S NOTICE:** The State Corporation Commission is exempt from the Administrative Process Act in accordance with § 2.2-4002 A 2 of the Code of Virginia, which exempts courts, any agency of the Supreme Court, and any agency that by the Constitution is expressly granted any of the powers of a court of record.

#### 14VAC5-211. Rules Governing Health Maintenance Organizations (amending 14VAC5-211-10, 14VAC5-211-20, 14VAC5-211-70, 14VAC5-211-90, 14VAC5-211-100, 14VAC5-211-140, 14VAC5-211-150, 14VAC5-211-180, 14VAC5-211-210, 14VAC5-211-220, 14VAC5-211-230).

A public hearing will be scheduled upon request.

##### Summary:

*The proposed amendments are necessary to comply with new and amended statutes in Chapter 882 of the 2011 Virginia Acts of Assembly. Specifically, the amendments (i) remove dated language in the applicability and scope; (ii) add and amend definitions to conform to the requirements of Article 6 (§ 38.2-3438 et seq.) of Chapter 34 of Title 38.2 of the Code of Virginia; (iii) create an exception for the application of copayments and deductibles to preventive services; (iv) conform the complaint and appeals procedures to recognize new requirements in Chapter 5 (§ 32.1-123 et seq.) of Title 32.1 and Chapter 35.1 (§ 38.2-3556 et seq.) of Title 38.2 of the Code of Virginia; (v) revise disclosure requirements to comply with new requirements; and (vi) add provisions for rescission of coverage.*

For more information, please contact Althelia P. Battle, Deputy Commissioner, Life and Health, Bureau of Insurance, Richmond, VA, telephone (804) 371-9074, FAX (804) 371-9944, or email [al.battle@scc.virginia.gov](mailto:al.battle@scc.virginia.gov).

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