

# Virginia Legislative Record

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## SJR 96: Comprehensive Services Act and the At-Risk Youth and Families Program

June 19, 2007

The joint subcommittee was created in 2006 to review the administration of the Comprehensive Services Act (CSA) by state and local agencies and make recommendations for improvement of program services, as well as strategies for cost containment. The first meeting of the 2007 interim was held on June 19 in Richmond.

### Presentations

#### Evaluation of Residential Services

Ms. Nathalie Molliet-Ribet of the Joint Legislative Audit and Review Commission (JLARC) gave a brief review of the agency's study, Evaluation of Children's Residential Services Delivered Through the Comprehensive Services Act. The study found that residential rates were generally appropriate, though some for-profit group homes charge rates that may not reflect intensity of services. The study also determined that access to a full array of services was key to controlling spending and improving care. However, JLARC found, most local programs had been forced to place children in residential facilities due to lack of community-based alternatives. The most critical service gaps identified included crisis services, family support, assessment, and foster families. To address these gaps, JLARC offered a number of recommendations.

#### Regulatory Response to JLARC's Evaluation

Raymond R. Ratke, Deputy Commissioner, Department of Mental Health, Mental Retardation, and Substance Abuse Services provided an overview of the interagency

response to recommendations delivered in JLARC's Evaluation of Children's Residential Services Delivered Through the Comprehensive Services Act and answered questions posed by the joint subcommittee.

#### Recent Developments

Ms. Kim McGaughey of the Office of Comprehensive Services (OCS) briefed the joint subcommittee on developments affecting the CSA Program, including efforts to increase access to community services, utilization of Innovative Service Grants, and development of a relationship with the Annie E. Casey Foundation strategic consulting group for the purpose of developing best practices to reduce out-of-home care and to increase investment in expanded community services. Ms. McGaughey also discussed OCS efforts to strengthen CSA community teams, focusing on developing guidelines, tools, best practices, and skill building. Efforts to improve decision-making through development of various assessment tools, replacement of the service fee directory, refinement of the CSA data set and tracking of CSA performance measures were also discussed. Ms. McGaughey concluded by providing the priorities that OCS will focus on in the coming months.

#### JLARC'S Follow-Up Report

Ms. Molliet-Ribet introduced the topic of custody relinquishment, describing JLARC's Follow-Up Report: Custody Relinquishment and the Comprehensive Services Act. The report, requested by the joint subcommittee in December, was intended to estimate the fiscal impact of the December 6, 2006, Attorney General

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*DLS Staff members*

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*comprehensive website*

*on each study that*

*contains a complete*

*summary of each*

*meeting and links to*

*additional study*

*information, handouts,*

*and resources.*

*JLARC's final estimated impact of the Comprehensive Services Act Program is \$21.2 million, with the state share equaling \$13.4 million and the local share equaling \$7.8 million.*

opinion finding custody relinquishment unnecessary for children to receive mandated services under current state law. During the course of the review, however, it was discovered that state policy also contributed to custody relinquishment. This policy was found to be in conflict with the law. Upon release of the Follow-Up Report, Ms. Molliet-Ribet emphasized, immediate action was taken to revise state policy to comply with state law. Ms. Molliet-Ribet also reported that the Follow-Up Report sought to estimate the fiscal impact on the CSA Program resulting from changes in state policy undertaken in response to the findings of the Follow-Up Report. The final estimated impact of the program was \$21.2 million, with the state share equaling \$13.4 million and the local share equaling \$7.8 million. In conclusion, Ms. Molliet-Ribet noted that proper implementation of the new state policy would hinge upon clear definitions of key terms. Additionally, gaps in availability of community-based services could compound the fiscal impact of repealed state policy and undermine the state's ability to serve children in the least restrictive setting, as required by the CSA.

## Interagency Response

Ms. McGaughey reported that the Secretary had taken immediate steps to release a memorandum containing emergency guidelines to ensure compliance with state law. Stakeholder groups were organized and interagency guidelines were drafted

and distributed to be available during the required 60 day comment period. The State Executive Council is expected to take action on the guidelines on August 8, and the guidelines are expected to go into effect on August 15.

## Next Meeting

The next meeting of the joint subcommittee will be posted on the study website when available.

SJR 96

### *Joint Subcommittee Studying the Comprehensive Services Act and At-Risk Youth & Families Program*

Senator Emmett W. Hanger, Jr., Chair

Sarah Stanton and Patrick Cushing, DLS Staff

(804) 786-3591

[study website](#)

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

## HJR 133/SJR 94: Open-Space Land and Farmlands

June 19, 2007

The Joint Subcommittee to Study Long-Term Funding Sources for the Purchase of Development Rights to Preserve Open-Space Land and Farmlands held its first meeting of the 2007 interim on June 19 with Senator Emmett W. Hanger, Jr., as chair and Delegate Edward T. Scott as vice-chair. Other study members are Senators John Watkins and Mark R. Herring and Delegates Robert D. Orrock, Sr., Thomas C. Wright, Jr., Benjamin L. Cline, Lynwood W. Lewis, Jr., and Albert C. Eisenberg.

## Overview

The staff presented an overview of the substantial work and achievements of 2006 and noted the joint subcommittee's recommended legislation and funding that was agreed to by the 2007 General Assembly, which included:

- Authorization for the Virginia Resources Authority to raise capital for land preservation (HB 2694/SB 1211).
- \$3,550,000 start-up appropriation in fiscal year 2007 for a statewide purchase of development rights program and \$700,000 in fiscal year 2008.
- \$950,000 appropriation in fiscal year 2007 for the Virginia Outdoors Foundation to provide assistance to landowners executing conservation easements.
- \$500,000 appropriation in fiscal year 2007 and \$500,000 in fiscal year 2008 for matching grants from the Virginia Land Conservation Fund to promote conservation.

The study was continued in 2007 and the General Assembly further charged the joint subcommittee to identify strategies for increasing the availability of large parks to serve Northern Virginia. Other issues to be explored include:

- Setting of objective standards for a statewide purchase of development rights program.

- Cost sharing between the Commonwealth and local governments in a statewide purchase of development rights program.
- Financing of the Commonwealth's cost share, as well as local governments' cost share in a statewide purchase of development rights program.

## Presentations

**Kevin Schmidt, Coordinator, Office of Farmland Preservation, Department of Agriculture and Consumer Services**

Mr. Schmidt addressed the guidelines for Virginia's new purchase of development rights program and proposed changes in the federal Farm and Ranch Lands Protection Program and gave a brief overview of the Office of Farmland Preservation, which was established in 2001. The Office of Farmland Preservation creates public education programs about farmland preservation; provides technical assistance on farmland preservation; administers the Virginia Farm Link program; and develops model policies, certification criteria, and methods and sources of funding for local purchase of development rights programs.

Mr. Schmidt described the development of a model purchase of development rights program for Virginia. First, the Virginia Department of Agriculture and Consumer Services Farmland Preservation Task Force was established; the diverse group of Task Force members then agreed to several fundamental positions at the outset. In June 2004, the Task Force completed the first part in developing a model purchase of development rights program and entitled such part, "Part 1: Suggested Components of Local PDR Programs." In November 2005, the Task Force completed the second part and entitled such part, "Part 2: A Proposed State-Level Program to Complement Local PDR Programs."

To further the goals of the Office of Farmland Preservation, the General Assembly appropriated funding for the Office of Farmland Preservation in an amount of \$305,000 for the 2006-2008 biennium. State matching funds for local purchase of development rights programs in an amount equal to \$4.25 million for the 2006-2008 biennium were also created. The Office of Farmland Preservation certifies local matching fund and local program elements and equally distributes available funds on a 50% match. Any remaining funds are redistributed amongst the certified programs. Local governments have two years to use allocated funds, and the allocation is "drawn down" upon closing of an easement. Other state funds cannot be used as a part of the local match component.

Proposed changes to the Federal Farm and Ranch Lands Protection Program, which has \$300 million in federal funding, were discussed. Under the proposed changes, grants will be given to qualified entities, a category of eligible entities under the program, based on need and on state/local contributions; moreover, no pending offers are needed. In addition, funds that are not granted to qualified entities are available for individual projects by eligible entities, another category of eligible entities under the program. The United States Secretary of Agriculture establishes a process for certifying eligible entities, and qualified entities can use their own criteria, easement, etc. Notably, there is no federal contingent right or reversionary interest if an easement is held by a state/local/qualified entity.

**William C. Dickinson, Chairman, Northern Virginia Regional Park Authority Board**

Mr. Dickinson presented a history and overview of services of the Northern Virginia Regional Park Authority (NVRPA), which is currently the largest regional park authority in Virginia and one of the most self-sufficient park agencies in the country.

The six localities of Arlington County, Fairfax County, Loudoun County, City of Alexandria, City of Falls Church, and City of Fairfax established the NVRPA in 1959 pursuant to the Virginia Park Authorities Act, which allows one or more local governments to create a park authority. The purpose of NVRPA was to recognize and appreciate that:

- Open space and natural areas were critical to quality of life.
- Northern Virginia was growing fast and natural areas needed to be acquired before they were lost to development.
- Drinking water supplies of the region needed to be protected.

A regional authority would have better economics of scale to protect natural resources and provide unique recreational opportunities that would complement local recreational offerings.

In addition, smaller localities recognized that they did not have the land base to provide all the natural and recreational opportunities to which their citizens needed access. The mission of the NVRPA is to "enhance the communities of Northern Virginia and enrich the lives of their citizens through the conservation of regional natural and cultural resources" by providing "diverse regional recreational and educational opportunities, and [fostering] an understanding of

*Among the issues to be studied are setting objective standards for a statewide purchase of development rights program, cost sharing between the Commonwealth and local governments, and financing of the state and local governments' share of the cost.*

the relationships between people and their environment."

Mr. Dickinson explained the NVRPA faces specific challenges, including the Virginia Land Conservation Fund not being fully funded and a lack of federal and state financial support and increased real estate values have effectively stopped the purchase of significant new parkland. He noted potential opportunities for parkland funding, including the creation of a new funding source tying funds for riparian parkland to water-related utilities, the consideration of population density in Virginia Land Conservation Foundation funding, and other nontraditional funding streams to support parkland expansion.

## Next Meeting

The next meeting of the joint subcommittee was tentatively scheduled for late August and the date will be posted on the study website when available.

HJR 133/SJR 94

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

Senator Emmett W. Hanger, Jr., Chair

Mark Vucci, David Rosenberg,  
Kevin Stokes, DLS Staff  
(804) 786-3591

[study website](#)

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

## HJR 144: Telework Opportunities

June 14, 2007

*The Telework Opportunities Joint Subcommittee will explore the creation of telework resource handbooks, telework training, incentives to encourage telework, and the need to impose punitive actions to ensure compliance.*

The Joint Subcommittee to Study Telework Opportunities in the Commonwealth held its first meeting of the 2007 interim on June 14 in Richmond with Delegate Timothy D. Hugo as chair.

### Overview

Lisa Wallmeyer, staff to the joint subcommittee, provided an overview of policy issues addressed by the 2006 committee and recent legislation related to telework. Of particular note were HB 2381 (May), SB 845 (Davis) and SB 1004 (Davis), all adopted by the General Assembly in 2007. HB 2381 authorizes the Virginia Resources Authority to fund wireless broadband projects. The bill also specifies that the Virginia Public-Private Education Facilities and Infrastructure Act can be used for projects related to the technology and infrastructure to deploy wireless broadband to schools, businesses and residential areas.

SB 845 requires the Chief Information Officer of the Commonwealth to develop policies, procedures and standards to maintain the security data maintained and used by state agencies. SB 1004 authorizes state agencies to use computer equipment not owned by the Commonwealth to telecommute so long as the use meets the

information security standards established by the Virginia Information Technologies Agency or the employee receives an exception from the Chief Information Officer of the Commonwealth or his designee.

HB 2437 (Frederick) and SB 1266 (Herring), as introduced, would have provided tax credits for employers of up to \$1200 for employees who telework. The legislation also would have created a 100% tax credit for conducting a telework assessment in the year prior to implementation. Neither of these bills passed the General Assembly.

### Speakers

**Farley Beaton - Chief Technology and Security Officer, Virginia Retirement System**

Mr. Beaton, who is also a member of the Council on Technology Services (COTS), provided an overview of the work of COTS as it relates to telework. He chairs the COTS Mobile Workforce, whose primary mission is to identify information that makes it easier for managers to pursue telework programs. He discussed the Mobile Workforce workgroup's paper *Teleworking Guide to Best Practices*. Mr. Beaton described why teleworking is important to the Commonwealth and the challenges it faces in Virginia. He also gave an overview of best practices to ensure successful adoption of telework programs.

## Work Plan

Chairman Hugo asked that members suggest ideas for a study work plan. The committee identified several potential agenda items for future meetings, including:

- The need for creation of telework resource handbooks.
- Programs to offer training on telework.
- Presentations by key leaders in telework.
- The possibility of conducting a future committee meeting by teleconference.
- Incentives that may be used by the Commonwealth to encourage adoption of telework.
- Punitive actions that may be needed to ensure compliance.

HJR 144

## Joint Subcommittee to Study Telework Opportunities for State and Private Sector Employees

Delegate Timothy D. Hugo, Chair

Lisa Wallmeyer, Patrick Cushing, and  
Amigo Wade, DLS Staff

(804) 786-3591

study website

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

## Next Meeting

The next meeting date was not determined and will be posted on the study website as soon as available. Handouts and other information from the meeting may also be accessed on the website.

## SJR 327: Prisoner Reentry to Society

June 28, 2007

The first meeting of the Joint Subcommittee Studying the Commonwealth's Program for Prisoner Reentry to Society of the 2007 interim was held June 28 at the General Assembly Building in Richmond. Following opening remarks by Senator Puller and an overview of activities of the 2006 interim and 2007 legislation and budget items affecting prisoner reentry, the joint subcommittee heard presentations from guest speakers.

### Prisoner Reentry Planning

Mr. Mark L. Early, President and CEO of the Prison Fellowship, discussed the growing prison crisis and the need for prisoner reentry planning. Mr. Early stressed six key principles that form the basis of the Prison Fellowship's approach to planning, which include: community, consistency, character, comprehensiveness, continuity, and collaboration. He emphasized that working to increase reentry planning efforts and maximizing resources available to support reentry activities, including volunteers, would ultimately have a positive impact on public safety as well as prisoner well-being.

### Programs in Other States

Mr. Paul Barton, Senior Associate at the Policy Information Center of the Educational Testing Service, provided the joint subcommittee with an overview of national trends in correctional education policy and practice. Mr. Barton highlighted the fact that funding for correctional education has consistently been reduced across the nation, and that the ratio of inmates to instructors has increased. Another problem highlighted by Mr. Barton was that of accessing information. In many cases, Mr. Barton noted, detailed information on specific programs simply wasn't available.

### Programs for Inmates in Virginia

Ms. Judy Philpott and Ms. Gwynne Cunningham of the Department of Correctional Education briefed the members on academic and vocational programs for adults and juveniles in Virginia's correctional facilities. During the presentation, Ms. Philpott highlighted special education efforts undertaken by the Department. Ms. Cunningham presented information on a number of special programs including college courses, Productive Citizenship, and parenting classes.

*A guest speaker emphasized that working to increase reentry planning efforts and maximizing resources available to support reentry activities, including volunteers, would have a positive impact on public safety as well as prisoner well-being.*

*During public comment, three citizens spoke on the need for additional services for sex offenders.*

The presentation concluded with a survey of challenges affecting the programs, needs of the programs, and a few recommendations to address these challenges and needs.

## Drive-to-Work Program

Mr. Randy Rollins presented information on his new Richmond-based nonprofit organization, Drive-to-Work. The program utilizes volunteer attorneys to assist low income, previously incarcerated persons with the process of restoring their driving privileges so that they can drive to work and hold a job. Mr. Rollins also presented several suggested legislative actions which would address problems confronted by recently incarcerated persons attempting to obtain licenses to support employment activities.

## Other Business

Ms. Lisa Thomas brought to the joint subcommittee's attention a problem arising as a result of potential conflicts in facility visitation policies. These policies, Ms. Thomas reported, may prevent volunteers engaged in reentry activities from gaining access to inmates. The Department of Public Safety agreed to work with the Department of Corrections, to review Department of Corrections policy to determine if a policy change would be required to resolve the problem.

Senator Puller introduced an issue raised by a member of the public regarding release of inmates with serious communicable

diseases and the lack of information regarding such diseases to both the inmate and public health agencies. The Department of Corrections agreed to look into the matter further.

## Public Comment

The joint subcommittee heard public comment from three members of the public, emphasizing the need for additional services for sex offenders, requesting that prisoners no longer be allowed to refuse transfer to other states or the federal system, and suggesting the need for overall changes in the system.

## Next Meeting

The next meeting of the joint subcommittee will be held in Richmond and information will be posted on the study website as soon as available.

SJR 327

### *Commonwealth's Prisoner Reentry to Society Program*

Senator Linda T. Puller, Chair

Sarah Stanton, DLS Staff  
(804) 786-3591

study website

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

## House HWI Committee

June 18, 2007

On June 18 the House Health, Welfare, and Institutions Committee held its first meeting of the 2007 interim with Delegate Phillip Hamilton as chair. The Committee will explore issues concerning Virginia's mental health laws in general and involuntary commitment laws in particular.

## Presentations

### Civil Commitment Overview

Ms. Allyson K. Tysinger, Assistant Attorney General, gave a brief overview of the

laws governing civil commitment in Virginia. Ms. Tysinger discussed emergency custody orders, temporary detention orders, voluntary commitment, and involuntary outpatient and inpatient commitment orders, and explained the process involved and criteria which must be proven for each.

### Mandatory Outpatient Treatment of Persons with Mental Illness

Mr. James M. Martinez discussed different types of mandatory outpatient treatment (MOT) laws and MOT laws in other states, highlighting New York's Kendra's Law. Mr. Martinez then discussed operation and policy issues related to MOT, including the need for new services, increased administrative costs, issues surrounding forced medication, and the need for

additional training and support of special justices, law enforcement and mental health professionals. Mr. Martinez stated that Virginia's current transformation, with its focus on building capacity was working, and creating more options, and more person-centered, recovery-oriented care which would enhance voluntary engagement in services and lead to better outcomes. Mr. Martinez provided some examples of successful voluntary outpatient treatment systems in Virginia including the Assertive Community Treatment (PACT) programs and other crisis stabilization programs. In conclusion, Mr. Martinez stated that policy decisions about MOT must be made in the context of its full impact on the service delivery system in its entirety. Any expansion of MOT should be coupled with expanded community services, and a sufficient administrative infrastructure to support it.

## Responding to Mental Health Issues: Understanding CSB/BHA Roles and Practices

Ms. Mary Ann Bergeron, Virginia Association of Community Services Boards

Ms. Bergeron provided an overview of the activities and role of Community Services Boards (CSBs) in mental health generally and the commitment process specifically. Ms. Bergeron explained the responsibilities of CSBs as mandated by the *Code of Virginia*, and described a number of factors, including differences in geographical catchment areas; workforce constraints; treatment resources within communities, including private hospitals; magistrate and court practices; public safety resources; and CSB/BHA state and local funding levels that result in varied local responses to these responsibilities.

Ms. Bergeron also identified a number of economic challenges facing CSBs, and provided several recommendations for the committee including a thorough review of the legal intervention process for consistency; emphasizing the needs of the person with the psychiatric condition; considering best alternatives to coercion; promoting training of all parties; addressing the workforce in meaningful ways; and promoting adequate flexible funding for service gaps.

## Recommendations & Related Information from the Investigation of April 16, 2007 Critical Incident at Virginia Tech by the Office of the Inspector General

Mr. James Stewart, III, Inspector General for Mental Health, Mental Retardation and Substance Abuse Services

Mr. Stewart presented a summary overview of the finding of his investigation of the incident at Virginia Tech to the committee, including recommendations, and answered questions regarding these recommendations. In summary, the Office of the Inspector General recommended that the number and capacity of secure crisis stabilization programs be expanded, and that the commitment process be changed to facilitate the collection and interpretation of critical collateral information, and enable engagement of the individual in such a way that his or her journey of recovery is supported and facilitated. Mr. Stewart also recommended that specific changes be made to clarify and improve the outpatient commitment process, the capacity of outpatient treatment services be expanded, and the number of CSB case managers be increased.

## Next meeting

The next meeting of the House Health, Welfare and Institutions Committee will be held at the General Assembly Building in Richmond on July 30 at 1:00 p.m.

## *House Health, Welfare and Institutions Mental Health Law Study*

Delegate Phillip A. Hamilton, Chair

Sarah Stanton and Greg O'Halloran, DLS Staff  
(804) 786-3591

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

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

*Mr. Stewart from the Office of the Inspector General for Mental Health presented an overview of the findings of an investigation of the tragic incident at Virginia Tech, as well as discussed recommendations with the Committee.*

## COMMISSIONS and COUNCILS

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

### Virginia Sesquicentennial of the American Civil War Commission - HB 1440

6-18-2007

#### Executive Committee Report

The Executive Committee met to discuss and consider expenditures of the commission's 2007 appropriation. Several proposals were presented, including those from the Virginia Historical Society, American Civil War Center at Tredegar, and Blue Ridge Public Television.

#### 2007 Appropriations

Dick Hickman, Senate Finance Committee

The General Assembly appropriated a total of \$122,000 for 2007 and \$2,769,400 for 2008. This amount reflects expenses for the Commission and the Advisory Council. Mr. Hickman also explained that the General Assembly appropriated \$573,800 for 2007 and \$273,800 for 2008 for non-state agencies for expenses related to the Civil War.

#### Program Funding Options

##### VIRGINIA HISTORICAL SOCIETY

Dr. Charles Bryan, Jr., President and CEO

Traveling museum exhibition- The exhibit area, consisting of a total of 4000 square feet and two parts, would open at the VHS in Richmond in 2011, and then travel during the next three years to Roanoke, Abingdon, Lynchburg, Fredericksburg, Winchester, Manassas, and Hampton. The two components consist of a) battlefield and b) home front. The two components of the exhibition will travel to each museum at different times.

HistoryMobile- The VHS and Library of Virginia will work together to develop a mobile exhibition, featuring a few key artifacts and documents plus high-tech maps and displays. The exhibition would travel by tractor trailer to every county and city in Virginia throughout the commemoration period.

##### AMERICAN CIVIL WAR CENTER AT TREDEGAR

Alex Wise, President and CEO

Experiential film- An IMAX type of immersive, 360 degree film experience that discusses the Civil War in Virginia from a character-driven point of view. Instead of giving facts about battles and places, the viewer would perceive the war from a particular character's point of view.

Orientation exhibit- Leading into the theater would be an orientation exhibit area. One key focus of this area would be on an interactive map that directs visitors to the other Civil War attractions they can see in Virginia.

Educational programs, including adaptation of the film for schools- Portions of the film would be available in DVD format for distribution to schools. Trailers of the film could also be used for the Welcome Centers throughout the state.

Sesquicentennial Digital Program- This option would take 15 individuals from Virginia who were part of the Civil War and allow school children to follow their stories. The concept would be "Real people in real time."

##### BLUE RIDGE PUBLIC TELEVISION

Dr. James I. Robertson

Dr. Robertson proposed a joint venture with Blue Ridge Public Television to create a three-hour DVD on Virginia and the Civil War. The DVD would be produced for use in schools and would have nine 20-minute segments on the legacy and the coming of war, military campaigns, the African-American experience, the life of common soldiers, historic personalities, and the home front. Dr. Robertson suggested producing 5,000 copies for to schools statewide.

The Executive Committee previously endorsed the traveling exhibition and HistoryMobile and agreed to award \$50,000 in planning funds to the Virginia Historical Society for each of the exhibitions with specifications to be available by November 2007. The members also agreed to establish funds for the development of the commission website.



## Workgroups

The chairman has established the following three workgroups to focus on the work of the commission and to provide oversight and monitoring. The workgroups will meet as often as needed and will brief the commission on a regular basis.

### COORDINATION COMMITTEE WORKGROUP

- Location, event, and information coordination.
- Local sesquicentennial committees.
- Liaison with sesquicentennial commissions in other states.
- National sesquicentennial planning and events.
- Welcome Center information, kiosks, and orientation film.

### SIGNATURE EVENTS AND ACTIVITIES WORKGROUP

- Unifying themes, stories, and goals for the events.
- Commission-sponsored events, including lectures, symposia, films, and battlefield tours.
- VHS traveling exhibit.
- Mobile/tractor-trailer exhibit.
- Public relations.

### EDUCATION WORKGROUP

- Students, teachers, administration, and PTA involvement.
- Higher education involvement.
- Public library involvement.

- Teacher institutes.
- SOL, curriculum, and teacher resources.
- Law school symposia.
- Document preservation project.

## Next Meeting

A meeting of Workgroup #2, Signature Events and Activities, of the Virginia Sesquicentennial of the American Civil War Commission will meet at 1:00 p.m. on Wednesday, August 1, 2007, in the 6th Floor Speaker's Conference Room of the General Assembly Building in Richmond.

## VIRGINIA SESQUICENTENNIAL OF THE AMERICAN CIVIL WAR COMMISSION

SPEAKER WILLIAM J. HOWELL, CHAIR

Cheryl Jackson, DLS Staff  
Hudaidah Bhimdi, DLS Staff  
Telephone (804) 786-3591  
<http://dls.state.va.us/civilwar.htm>  
<http://www.virginiacivilwar.org>

## Meeting Calendar for July - August '07

<i>Commission Name</i>	<i>Meeting Information</i>	<i>DLS Staff</i>
Science, Math, and Technology Education—HJR 25	10:00 a.m., Monday, July 16, 2007 General Assembly Bldg, House Room C	Patrick Cushing, Nikki Seeds
Fire and Rescue Squad Volunteers Recruitment and Retainment—HJR 743	10:00 a.m., Tuesday, July 24, 2007 General Assembly Bldg, House Room D	Joan Putney, Amigo Wade
House Health, Welfare, and Institutions Committee	1:00 p.m., Monday, July 30, 2007 General Assembly Bldg, House Room D	Sarah Stanton, Greg O'Halloran
Civil War Commission Workgroup #2	1:00 p.m., Wednesday, August 1, 2007 General Assembly Bldg, 6th Floor Conference Room	Cheryl Jackson, Hudaidah Bhimdi
Science & Technology in Higher Education—HJR 611	1:00 p.m., Tuesday, August 14, 2007 Capitol, House Room 1	Lisa Wallmeyer, 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.*

# *Freedom of Information Advisory Council*

6-7-2007

The Freedom of Information Advisory Council (the Council) held its second meeting of 2007 to receive progress reports from its two subcommittees. The Council also commended Council member Nolan Yelich, Librarian of Virginia, for his distinguished service to the Council and to state government generally. Mr. Yelich is retiring from state service effective July 1, 2007. The Council presented a resolution to Mr. Yelich describing his long and illustrious career as an exemplary public servant. The Council praised Mr. Yelich's leadership, marked by his geniality, insight, flexibility, and uncompromising integrity, and noted that his leadership in the preservation of public records has resulted in changes that will continue to benefit the citizens of Virginia.

## **Subcommittee Reports**

### **ELECTRONIC MEETING SUBCOMMITTEE**

John Edwards, chair of the subcommittee, reported that the subcommittee held its first meeting on May 10, 2007. Of the three bills referred to the subcommittee, only one patron, Delegate McClellan, was present to discuss her bill, HB 2293. Delegate McClellan indicated that the bill was requested by the chair of the Richmond City School Board. The bill allows a local governing body, school board, or any subcommittee to meet by electronic communication means provided that:

- No purpose of the meeting is to take action on any matter before the governing body, school board, or subcommittee, or to otherwise transact any business of the governing body, school board, or subcommittee.
- The meeting is not called or prearranged with any purpose of transacting any business of the local governing body, school board, or subcommittee.
- The local governing body, school board, or subcommittee otherwise complies with the electronic communication meetings law.

Delegate McClellan stated that local government officials are part time, volunteer members with other jobs. She indicated that the goal of the bill is to allow locally elected officials to take advantage of technology as businesses currently do. The bill would authorize teleconferencing only for receiving information by the local public body and for no other purpose. She urged the subcommittee to keep practical realities in mind. Local elected officials serve part time while juggling jobs in the private sector. The bill is narrowly drawn to limit use of teleconferencing to information gathering only.

The chairman noted that because a quorum of the subcommittee was not present, further discussion of

HB 2293 would occur at the next meeting of the subcommittee. He stated that over the course of the subcommittee's study of electronic meeting issues over the last several years, the one constant has been a predisposition to retain the face-to-face quorum requirement. He suggested that the subcommittee members should keep an open mind as it considers these issues. Further, the patrons who were unable to attend the meeting will be given the opportunity to present their bills at future meetings of the subcommittee.

### **PERSONAL IDENTIFYING INFORMATION SUBCOMMITTEE**

Senator Houck reported that the subcommittee has held one meeting to date to deliberate on the nine bills referred for study. A number of bills introduced during the 2007 Session concerned public access to personal identifying information, including social security numbers; addresses of citizens; rabies vaccination information; and holders of boat, fishing, and hunting licenses. Each bill represents a piecemeal approach and it is the intent of the subcommittee to devise a uniform rule concerning access to personal identifying information after careful consideration of all sides of the issue. Additionally, public access to holders of concealed weapons permits will be included as part of the subcommittee's work. Although this was not the subject of legislation in the 2007 Session, the issue came to light following the publication of the names and addresses of holders of concealed weapons permits in the Roanoke Times.

The next meeting of the subcommittee is scheduled for Thursday, July 12, 2007. The subcommittee will meet with the members of Joint Commission on Technology and Science concerning HB 2821.

## **FOIA Council Sponsored Events**

### **FOIA WORKSHOPS**

The 2007 statewide FOIA Workshops were held the weeks of June 11 and June 18 in Wise, Danville, Staunton, Manassas, Norfolk, and Richmond.

### **SUNSHINE WEEK**

Ginger Stanley, Executive Director of the Virginia Press Association (VPA), recapped for the Council the media events held during Sunshine Week, March 11-17, 2007, which was not only in Virginia, but across the nation. Almost three dozen newspapers ran articles, columns or editorials that week on Sunshine Week and public access. The newspapers ran the gamut in size, from the state's major and mid-major dailies to small weeklies in far-reaching portions of Virginia.

Barrett Hardiman of the Virginia Association of Broadcasters reported that the broadcast media also participated in Sunshine Week by conducting news programs. He noted that participation by his association members was not as extensive as that of VPA.

## Public Comment

Frosty Landon, Executive Director of the Virginia Coalition for Open Government, told the Council that he was retiring. He noted that what the Coalition had envisioned for the Council in 2000 has happened. The Council brings differing viewpoints together and has been recognized by the legislature for its in depth consideration of access issues. He stated that as a result of the Council, there is a better understanding of access laws. He suggested that perhaps it is time for the Council to begin formalized mediation of FOIA disputes.

Phyllis Errico of the Virginia Municipal League praised Mr. Landon for coming to each issue with respect and trust. She noted that this is why the Council is so important because solutions to access issues are coming from a place of respect and trust.

The Council also praised Mr. Landon for his contributions to public access and for his unwavering support of the Council's work.

## Future Meetings

The next meeting of the Electronic Meeting Subcommittee is Thursday, July 12, 2007, at 12:00 p.m. The next meeting of the Personal Identifying Information Subcommittee has also been set for Thursday, July 12, 2007, at 1:00 p.m. The next meeting of the Council is scheduled for September 10, 2007.

## FREEDOM OF INFORMATION ADVISORY COUNCIL

SENATOR R. EDWARD HOUCK, CHAIR

Maria J.K. Everett, Executive Director  
Alan Gernhardt, Staff Attorney

Telephone (804) 786-3591

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

## *House and Senate Bills referred to the Freedom of Information Advisory Council*

**HB 2293 (McClellan)**--Allows teleconferencing for local bodies only when gathering information and no action will be taken.

**HB 2553 (Ebbin)**--Allows a local governing body to meet by electronic communication means when a local state of emergency has been declared.

**HB 2821 (Sickles)**--Allows access to social security numbers.

**HB 2558 (Brink)**--Allows release of rabies certificate information.

**HB 3097 (Cole) / SB 1106 (Chichester)**--Allows release of constituent contact information.

**HB 3118 (Carrico)/SB 883 (Deeds)**--Allows release of the names, addresses, and social security numbers of holders of boat, fishing, hunting, and other licenses/permits issued by the Department of Game and Inland Fisheries.

**HB 3161 (Marshall, D.W.) / SB 1404 (Hanger)**--Provides expansion of complainant information for violation of any local ordinance (currently only protected for zoning violations).

**SB 819 (Cuccinelli)**--Allows release of personal information concerning an identifiable individual, including date of birth, social security number, driver's license number, bank account numbers, credit or debit card numbers, personal identification numbers, electronic identification codes, automated or electronic signatures, biometric data, or fingerprints.

## ***Brown v. Board of Education Scholarship Awards Committee***

**5-16-2007**

The *Brown v. Board of Education* Scholarship Awards Committee (the Committee) held its first meeting of 2007 on May 16, 2007.

The staff briefed the Committee concerning its work during the previous year, the status of the Fund, the findings and recommendations of the Counseling and Technical Advisory Subcommittee, and the scholarships awarded for the 2006-2007 academic year. Staff reported that the 2007 Fact Sheet, which provides a brief description of the scholarship program, has been revised to reflect statutory changes. The Fact Sheet and the Policies of the Committee, which govern the program, were distributed to all Brown scholarship applicants and recipients, as well as to institutions of higher education that enroll Brown scholars.

### **Scholarships Awarded in 2006-2007**

More than 200 inquiries regarding the scholarship program were received during the 2006-2007 application cycle. Seventy applications were received by the March 31, 2006 deadline. Of this number, 53 applications were approved and 49 disbursements were made on behalf of Brown scholarship recipients for the fall and spring terms. Scholarship recipients are represented at Virginia Community Colleges, public and private institutions of higher education, and public school adult education and GED programs.

The annual maximum tuition award for all students for 2006-2007 was set at \$7,200, which included a \$900 book allowance. Prior to July 1, 2006, state law provided that an award shall not exceed the costs of tuition, excluding fees, expenses, or other financial requirements levied by institutions and educational programs. However, recent amendments to the enabling legislation permits the *Brown v. Board of Education* Scholarship Awards Committee to cover the cost of textbooks and expanded the educational opportunities for eligible persons to include nonprofit career and technical education postsecondary schools in the Commonwealth, the College-Level Examination Program (CLEP), dual enrollment programs, and more definitively, transition education programs and services.

The stipulation that awards may be used only to cover the costs of tuition, excluding fees, expenses, or other financial requirements was retained. Funds are disbursed on the basis of credit hour enrollment, not to exceed the annual maximum tuition award for the academic year. Funds may be disbursed to approved institutions and

education programs only after recipients have complied with all statutory requirements and Committee policies, and the recipient's enrollment has been verified by the institution or education program to the State Council of Higher Education. No funds are ever disbursed directly to scholarship recipients.

Currently, as amended, state law now permits the use of the award—one time only—to cover the costs of the program, course materials, and the examinations for the GED and CLEP preparation programs. School divisions enrolling award recipients in public school adult education and literacy programs are reimbursed at a rate equivalent to the highest rate charged for adult education programs by a school division in the Commonwealth for the school year.

A total of \$136,773 has been disbursed to date in scholarship funds for the fall and spring terms of 2006-2007. This figure does not include funds expected to be disbursed for recipients who attend the 2007 summer term.

### **Counseling and Technical Advisory Subcommittee**

The Counseling and Technical Advisory Subcommittee considered and made recommendations to the Committee regarding the development of program policies, implementation of transition education programs and services, and delivery of counseling services and information concerning the program to approved education programs and institutions of higher education. The following requirements were recommended and adopted by the Committee:

- Scholarship applicants with minimum literacy skills complete a transitional education program or services and receive the Literacy Certification prior to enrolling in GED and adult education programs.
- Transitional education programs and services be designed according to the "career coach" model, and be delivered by regional pilot projects across the state through a network of public schools, institutions of higher education, existing local services and resources, the faith community, retired teachers, community organizations, mentors, and the Literacy Councils.
- Education programs and institutions enrolling Brown scholars designate a liaison to the Committee.
- Annual and on-going training, regional workshops, and informational sessions regarding the requirements of the scholarship program be provided to all liaisons of education programs and institutions.
- Annual regional informational sessions be held for all applicants, recipients, and other interested persons concerning the program.
- Policies be adopted to govern the program.

- State-wide publicity to ensure broad diffusion of information regarding the availability of the program to eligible Virginians.

During the meeting, the Subcommittee was directed to develop the design for implementing the transition education programs; schedule regional workshops and training for liaisons, and informational sessions for applicants and recipients; initiate the regional pilot programs; and facilitate collaborative arrangements among public and private entities for the delivery of transitional education programs and services.

## **Brown v. Board of Education Scholarship Awards Fund**

The Committee discussed the initial funding for the scholarship program and non-receipt of the private funds pledged to match the state's commitment of \$1 million in 2004. It also noted an appropriation in the 2006-2008 biennium to provide funds to cover the Committee's administrative and operational costs associated with its oversight work and the implementation of the scholarship program. Among the identified priorities for 2007 was the need to make a concerted effort to obtain the private funds and to promote public awareness that Virginians may contribute a portion or all of their state tax refund to the scholarship program.

## **First Graduates of the Scholarship Program**

Since the inception of the program, several Brown scholars have completed their individualized goals, some to obtain the GED, career and technical skills training, or associate's degree, and others to obtain the baccalaureate degree. The following dedicated students were the first graduates of the program, completing the requirements for a bachelor's degree from Saint Paul's College in May 2007.

**Henry Cabarrus, Jr.**  
**Carl U. Eggleston**  
**Yvonne H. Evans**  
**Nancy Wright Reid**  
**Barbara Hicks Spring**  
**Pauline W. Stokes**

## **2007-2008 Scholarship Awards**

The Committee has approved 29 and tentatively approved 15 applications for the 2007-2008 academic year. This total includes new and returning students. Education programs represented among this group include public and private two-year and four-year institutions, GED and public school adult education programs, and CLEP. The annual maximum tuition rate for 2007-2008 was set to correspond to the cost of tuition at each education program or institution, excluding fees and other expenses, plus a book allowance. The deadline for the 2008-2009 application cycle is March 3, 2008.

## **Next Meeting**

The next meeting will be held on July 10, 2007, at the General Assembly Building in Richmond at 10:00 a.m.

## **BROWN V. BOARD OF EDUCATION SCHOLARSHIP AWARDS COMMITTEE**

SENATOR BENJAMIN J. LAMBERT, III, CHAIR  
DELEGATE WATKINS M. ABBITT, JR., VICE CHAIR

**Brenda Edwards, DLS Staff**

Telephone (804) 786-3591

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

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

## 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 2. AGRICULTURE

##### PESTICIDE CONTROL BOARD

###### Reproposed Regulation

2 VAC 20-51. Regulations Governing Pesticide Applicator Certification Under Authority of Virginia Pesticide Control Act (amending 2 VAC 20-51-10 through 2 VAC 20-51-50, 2 VAC 20-51-70, 2 VAC 20-51-90, 2 VAC 20-51-100, 2 VAC 20-51-160, 2 VAC 20-51-170, 2 VAC 20-51-200, and 2 VAC 20-51-210).

Written public comment may be submitted to the Pesticide Control Board until 5 p.m. on September 10, 2007. A public hearing was previously held on the initial proposed regulation.

###### Summary:

*The proposed amendments (i) add new definitions to clarify who must be certified and keep pesticide application records; (ii) add new definitions to clarify the required supervision standard for people training to become applicators; (iii) add categories and subcategories of pesticide applicators; (iv) establish minimum standards for on-the-job training for registered technicians when working in different categories or subcategories; (v) establish a time frame within which a person would have to finish training and take the registered technician examination; (vi) eliminate the provision allowing businesses or agencies to proctor the registered technician examination to their own employees; and (vii) require applicators not for hire to keep records of all pesticides applied, not just those that are restricted use.*

For additional information contact W. Wayne Surles, Program Manager, Pesticide Control Board, Richmond, VA telephone (804) 371-6558, FAX (804) 371-8598, or email [wayne.surles@vdacs.virginia.gov](mailto:wayne.surles@vdacs.virginia.gov).

##### STATE BOARD OF AGRICULTURE AND CONSUMER SERVICES

###### Proposed Regulation

2 VAC 5-206. Regulation for Scrapie Eradication (adding 2 VAC 5-206-10 through 2 VAC 5-206-50).

A public hearing will be held August 23, 2007, at 9:30 a.m., Richmond, Virginia. Written public comment may be submitted until August 24, 2007.

###### Summary:

*The proposed regulation meets the minimum requirements of the "Scrapie Eradication State-Federal-Industry Uniform Methods and Rules" established by the USDA /Animal Plant Health Inspection Service (APHIS) in August 2002, and revised in October 2003. The proposed regulation provides guidance for the prevention, monitoring, control, and eradication of scrapie disease from domestic sheep flocks and goat herds in Virginia and for maintenance of state status in the USDA Scrapie Eradication Program.*

For more information contact David Cardin, D.V.M. Deputy State Veterinarian, Division of Animal and Food Industry Services, telephone (804) 692-0601, FAX (804) 371-2380, or email [david.cardin@vdacs.virginia.gov](mailto:david.cardin@vdacs.virginia.gov).

## TITLE 6. CRIMINAL JUSTICE AND CORRECTIONS

### BOARD OF FORENSIC SCIENCE

#### Proposed Regulation

**6 VAC 40-50. Regulations for the Approval of Marijuana Field Tests for Detection of Marijuana Plant Material (adding 6 VAC 40-50-10 through 6 VAC 40-50-80).**

A public hearing will be held August 8, 2007 at 10 a.m., Richmond, Virginia. Written public comment may be submitted until 5 p.m. on August 24, 2007.

#### Summary:

*Section 19.2-188.1 B of the Code of Virginia provides that the Department of Forensic Science shall approve marijuana field tests for use by law-enforcement officers to enable them to testify to the results obtained in any trial for a violation of § 18.2-250.1 regarding whether or not any plant material, the identity of which is at issue, is marijuana. These new regulations establish the process of approval, approval authority, criteria for approval, notification methods, fee assessment, and publication procedures associated with marijuana field tests or marijuana field test kits submitted by manufacturers to the department.*

For additional information contact Michele M. Gowdy, Department Counsel, Board of Forensic Science, telephone (804) 786-6848, FAX (804) 786-6857, or email [michele.gowdy@dfs.virginia.gov](mailto:michele.gowdy@dfs.virginia.gov).

## TITLE 9. ENVIRONMENT

### VIRGINIA WASTE MANAGEMENT BOARD

#### Proposed Regulation

**9 VAC 20-80. Solid Waste Management Regulations (amending 9 VAC 20-80-10, 9 VAC 20-80-60, 9 VAC 20-80-250, 9 VAC 20-80-260, 9 VAC 20-80-270, 9 VAC 20-80-280, 9 VAC 20-80-485, 9 VAC 20-80-500, and 9 VAC 20-80-510).**

Written public comment may be submitted until 5 p.m. on September 7, 2007. A public hearing will be held August 13, 2007 at 1 p.m. at the Department of Environmental Quality, Richmond, VA.

#### Summary:

*The proposed amendments (i) clarify the closure definition and procedure with particular reference to*

*§ 10.1-1413.2 of the Code of Virginia landfills; (ii) address plans and actions related to the management of landfill gas and odors; (iii) provide an option for facilities to apply for research, design, and development, and (iv) streamline public participation requirements by deleting automatic public hearings for certain permit or amendment issuance process. Secondly, the proposed amendments broaden the definition of airport to include military airfields and are intended to ensure consistent wording in sections concerning safety plans and permitting timeframes. Finally, the amendments incorporate citations referencing two new statutory provisions for a landfill location that is protective with respect to water supplies and wetlands and certification of permit application consistency with local government waste management plans.*

For more information contact Allen R. Brockman, Department of Environmental Quality, telephone (804) 698-4468, FAX (804) 698-4327, or email [arbrockman@deq.virginia.gov](mailto:arbrockman@deq.virginia.gov).

## TITLE 12. HEALTH

### DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

#### Proposed Regulation

**12 VAC 30-80. Methods and Standards for Establishing Payment Rates; Other Types of Care (amending 12 VAC 30-80-30 and adding 12 VAC 30-80-75).**

Written public comment may be submitted until August 10, 2007.

#### Summary:

*This proposed regulation changes reimbursement for school divisions from statewide fee-for-service to a cost settlement process. School division providers shall file annual cost reports for these services and the department shall settle reimbursement to actual costs. Reimbursement to school divisions shall continue to be subject to the provisions of § 32.1-326.3 A 1 of the Code of Virginia that only the federal share shall be reimbursed for special education health services and that local governments fund the state match for special education health services provided by school divisions. This reimbursement methodology*

*change is being required by the Centers for Medicare and Medicaid Services, the federal funding agency for the Medicaid program.*

For additional information contact Mike Lupien, Provider Reimbursement Division, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219, telephone (804) 786-3673, FAX (804) 786-1680, or email michael.lupien@dmas.virginia.gov.

### **STATE OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES BOARD**

#### **Proposed Regulation**

**12 VAC 35-105. Rules and Regulations for the Licensing of Providers of Mental Health, Mental Retardation and Substance Abuse, the Individual and Family Developmental Disabilities Support Waiver and Residential Brain Injury Services (adding 12 VAC 35-105-115).**

Written public comment may be submitted until August 24, 2007.

#### **Summary:**

*This proposed action adds a new section to the existing Rules and Regulations for the Licensing of Providers of Mental Health, Mental Retardation, Substance Abuse, the Individual and Family Developmental Disabilities Support Waiver, and Residential Brain Injury Services that establishes a process for issuing an order of summary suspension of a license for group home or other residential services for adults in cases of immediate threat to the health, safety, and welfare of residents. It also includes provisions for scheduling and conducting an administrative hearing, including the appointment of a hearing officer by the Executive Secretary of the Supreme Court. The regulation is currently in effect as an emergency regulation that will expire in December 2007.*

For additional information contact Leslie Anderson, Director, Office of Licensing, Department of Mental Health, Mental Retardation and Substance Abuse Services, telephone (804) 371-6885, FAX (804) 692-0066, or email leslie.anderson@co.dmhmrzas.virginia.gov.

### **STATE BOARD OF HEALTH**

#### **Proposed Regulation**

**12 VAC 5-90. Regulations for Disease Reporting and Control (adding 12 VAC 5-90-370).**

Written public comment may be submitted until August 24, 2007.

#### **Summary:**

*The proposed amendments identify the process acute care hospitals shall use in reporting healthcare-associated infections to the Centers for Disease Control and Prevention and the Virginia Department of Health. The type of infection and the methods and timing of reporting are defined.*

For additional information contact Diane Woolard, Ph.D., MPH, Director, Division of Surveillance and Investigation, Department of Health, telephone (804) 864-8141, FAX (804) 864-8139, or email diane.woolard@vdh.virginia.gov.

### **TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING**

#### **BOARD OF COUNSELING**

#### **Proposed Regulation**

**18 VAC 115-20. Regulations Governing the Practice of Professional Counseling (amending 18 VAC 115-20-10, 18 VAC 115-20-45, 18 VAC 115-20-49, 18 VAC 115-20-51, 18 VAC 115-20-52; repealing 18 VAC 115-20-120).**

**18 VAC 115-50. Regulations Governing the Practice of Marriage and Family Therapy (amending 18 VAC 115-50-10, 18 VAC 115-50-40, 18 VAC 115-50-55, 18 VAC 115-50-60).**

**18 VAC 115-60. Regulations Governing the Practice of Licensed Substance Abuse Treatment Practitioners (amending 18 VAC 115-60-10, 18 VAC 115-60-50, 18 VAC 115-60-70, 18 VAC 115-60-80).**

A public hearing will be held August 9, 2007, at 1 p.m., Richmond, VA. Written public comment may be submitted until 5 p.m. on August 10, 2007.

#### **Summary:**

*The board is amending existing regulations for supervision and residency to (i) address what constitutes professional training for an approved supervisor, (ii) remove contradictory and burdensome language regarding face-to-face supervision, and*



(iii) require registration of supervisors regardless of the exemption/nonexempt setting.

Further, the board is amending existing regulations regarding requirements for licensure by endorsement to allow for greater portability of licensure from state to state. The proposed regulations include language that will allow for the issuance of a license by endorsement to any individual who qualifies for such license pursuant to having met the qualifications for licensure in another state and demonstrated competency by practice for at least five of the past six years. The credentials for licensure that are filed with a board-recognized credentials registry, such as that of the American Association of State Counseling Boards, would be acceptable for licensure by endorsement.

For more information contact Evelyn B. Brown, Executive Director, Board of Counseling, telephone (804) 662-9133, FAX (804) 662-9943, or email [evelyn.brown@dhp.virginia.gov](mailto:evelyn.brown@dhp.virginia.gov).

## REAL ESTATE BOARD

### Proposed Regulation

**18 VAC 135-60. Common Interest Community Management Information Fund Regulations (amending 18 VAC 135-60-60).**

A public hearing will be held on August 1, 2007, at 10 a.m., Richmond, VA. Written public comment may be submitted until 5 p.m. on August 24, 2007.

#### Summary:

The proposed amendments increase fees that common interest communities (property owners' associations, real estate cooperative associations and condominium associations) pay into the Common Interest Community Management Fund and institute a seven-tier graduated fee structure so that common interest communities with greater numbers of lots will proportionately pay higher fees.

For more information contact Thomas K. Perry, Property Registration Administrator, Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, VA 23230, telephone (804) 367-8510, FAX (804) 367-2475, or email [propreg@dpor.virginia.gov](mailto:propreg@dpor.virginia.gov).

## REAL ESTATE BOARD

### Proposed Regulation

**18 VAC 135-20. Virginia Real Estate Board Licensing Regulations (amending 18 VAC 135-20-10, 18 VAC 135-20-30, 18 VAC 135-20-60, 18 VAC 135-20-100, 18 VAC 135-20-105, 18 VAC 135-20-160, 18 VAC 135-20-170, 18 VAC 135-20-180, 18 VAC 135-20-190, 18 VAC 135-20-210, 18 VAC 135-20-220, 18 VAC 135-20-300, 18 VAC 135-20-360, 18 VAC 135-20-370, 18 VAC 135-20-390; adding 18 VAC 135-20-345).**

A public hearing will be held on August 1, 2007, at 10 a.m., Richmond, VA. Written public comment may be submitted until 5 p.m. on August 24, 2007.

#### Summary:

The proposed amendments bring the regulations into compliance with Chapter 998 of the 2003 Acts of Assembly and Chapter 61 of the 2006 Acts of Assembly. Chapter 998 requires that real estate salespeople complete at least 30 hours of continuing education within two years of initial licensure (before they renew their licenses for the first time) and that brokers complete at least 16 hours of continuing education before biannual license renewal. Chapter 61 mandates that successful applicants for licensure have at least a high school diploma or its equivalent.

In addition, the proposed amendments (i) require that salesmen licensed by reciprocity take the state portion of the real estate salesperson's exam before biennial license renewal even if they have upgraded to a broker's license in the interim; (ii) require principal brokers to report all instances where they reasonably believe that escrow accounts are being improperly maintained; (iii) require licensees who are selling a property in which they (or a friend, family member or associate) have an ownership interest, disclose that interest as soon as any substantive discussions about that property are held; (iv) allow the board to suspend, revoke or fail to renew all licenses held by an individual at once; (v) require that licensees who provide prelicensure training take a "Train the Trainer" course, specify that the experience required of these licensees must be consecutive and "immediately prior to application" for approval as an instructor; (vi) reduce the number of years of experience that nonlicensee subject

area prelicensure instructors must have in their area of expertise from five years to three years; and (vii) reword language in the fees section so that nonrevoked licenses will be valid for two calendar years.

For additional information contact Christine Martine, Executive Director, Real Estate Board, telephone (804) 367-8552, FAX (804) 367-6946, or email reboard@dpor.virginia.gov.

**BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE ARCHITECTS**

**Proposed Regulation**

**18 VAC 10-20. Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects Regulations (amending 18 VAC 10-20-10, 18 VAC 10-20-280, 18 VAC 10-20-295, 18 VAC 10-20-310, 18 VAC 10-20-340, 18 VAC 10-20-350, 18 VAC 10-20-360, 18 VAC 10-20-380; adding 18 VAC 10-20-382, 18 VAC 10-20-392, and 18 VAC 10-20-395).**

Written public comment may be submitted until September 13, 2007. A public hearing will be held on September 13, 2007, at 9 a.m. at the Perimeter Center, 9960 Mayland Drive, Suite 200, Richmond, VA.

**Summary:**

*The proposed amendments implement a regulatory program for photogrammetrists, including standards for determination of topography, as permitted by Chapter 440 of the 2005 Acts of Assembly.*

For more information contact Mark N. Courtney, Executive Director, Department of Professional and Occupational Regulation telephone (804) 367-8514, FAX (804) 367-0795, or email apelscidla@dpor.virginia.gov.

**TITLE 24. TRANSPORTATION AND MOTOR VEHICLES**

**COMMONWEALTH TRANSPORTATION BOARD**

**Proposed Regulation**

**24 VAC 30-150. Land Use Permit Manual (REPEALED.)**

**24 VAC 30-151. Land Use Permit Manual (adding 24 VAC 30-151-10 through 24 VAC 30-151-760).**

Written public comment may be submitted until September 9, 2007.

Public hearings will be held on August 2, 2007 at 10 a.m., VDOT Main Auditorium, First Floor, 731 Harrison Avenue, Salem, Virginia and on August 6, 2007 at 10 a.m., VDOT Conference Room, First Floor, 14685 Avion Parkway, Chantilly, Virginia and on August 10, 2007 at 10 a.m., VDOT Conference Room, Basement, Brookfield Office Park, 6600 West Broad Street, Richmond, Virginia

**Summary:**

*This proposed action repeals the existing Land Use Permit Manual and replaces it with a new regulation. The proposed changes require logging permits to be used as single use permits and eliminate the availability of blanket permits, provide that the Virginia Department of Transportation (VDOT) will no longer install entrance pipes where private driveways meet public roads and impose the responsibility for installation of the pipes on the property owners, permit roadside memorial signing under certain conditions, increase permit fees, add accommodation fees for utilities within limited access right-of-way, address the concept of access management in the review of commercial entrance permits, establish the authority for VDOT to adjust the application fee and additive fees by up to 25% on an annual basis, eliminate redundant and obsolete provisions, and make other clarification changes.*

For additional information contact Mutaz Alkhadra, Land Use Permits Manager, Assets Management Division, Virginia Department of Transportation, telephone (804) 662-9403, FAX (804) 662-9426, or email mutaz.alkhadra@vdot.virginia.gov.

## 2007 Legislative and Agency Studies staffed by DLS

### **NEW** Legislative Studies

Bill and Patron	Description	DLS Staff
HB 2923 (Ebbin)	Human trafficking.	Robie Ingram, Jescey French
HJ 611 (Purkey)	Business, law, and policy graduate programs in state institutions of higher education.	Lisa Wallmeyer, Jessica Eades
HJ 637 (O'Bannon)	Childhood obesity.	Jessica Eades, Nikki Seeds
HJ 701 (Hamilton) SJ 390 (Newman)	Health care provider liability.	David Cotter, Greg O'Halloran
HJ 743 (Rust)	Tax incentives for fire and rescue squad volunteers.	Joan Putney, Amigo Wade
SJ 372 (Norment)	Statewide health insurance experience for educators and local government employees.	David Rosenberg, Kevin Stokes
SJ 378 (O'Brien)	Driver training program curriculum.	Nikki Seeds
SJ 385 (Wagner)	Fuel-efficient vehicles and transportation funding.	Patrick Cushing, Kevin Stokes
SJ 418 (McDougle)	Redistricting the judicial circuits.	Mary Felch, David Cotter, Julie Smith
HJ 686 (Plum)	Green power program.	Frank Munyan
HJ 688 (Plum) SJ 380 (Rerras)	Mid-Atlantic Regional Spaceport.	JCOTS

### **CONTINUING** Legislative Studies

Bill and Patron	Description	DLS Staff
HB 1233 (Purkey) SB 261 (Wagner)	Manufacturing Development Commission.	Frank Munyan
HB 1440 (Howell, W.J.)	Virginia Sesquicentennial American Civil War Commission.	Cheryl Jackson, Hudaidah Bhimdi, E.M. Miller
HJ 25 (Cosgrove)	Science, math, and technology education in the Commonwealth.	Nikki Seeds, Patrick Cushing
HJ 75 (Wardrup)	U.S. Route 460 Communications Committee.	Alan Wambold
HJ 144 (Hugo)	Telework Opportunities	Lisa Wallmeyer, Patrick Cushing, Amigo Wade
HJ 584 (Marshall, R.G.)	Medical, Ethical, and Scientific Issues Relating to Stem Cell Research.	Jessica Eades, Sarah Stanton
HJ 652 (Welch) SJ 327 (Puller)	Commonwealth's Program for Prisoner Reentry to Society.	Sarah Stanton
HJ 692 (Cline) SJ 401 (Hanger)	Long-term funding for purchase of development rights to preserve open-space and farmlands.	Mark Vucci, David Rosenberg, Kevin Stokes
SB 711 (Norment)	Commission on Electric Utility Restructuring.	Frank Munyan
SB 756 (Stosch)	Public-Private Partnership Education and Infrastructure Act.	Amigo Wade
SJ 60 (Williams)	Virginia's future transportation needs.	Alan Wambold, David Rosenberg
SJ 96 (Hanger)	Comprehensive Services Act and Program.	Sarah Stanton
SJ 103 (Lambert)	Lead poisoning prevention.	Jessica Eades, Brenda Edwards
SJ 223 (1993)	Block Grants.	Jessica Eades
SJ 336 (2005)	Circuit court clerks' offices.	Mary Felch

*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

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Division of Legislative Services  
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