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SJR 103: Lead Poisoning Prevention

October 18, 2006

The joint subcommittee, chaired by Senator Benjamin J. Lambert III, held its first meeting of the interim on October 18, 2006. The continuing study has evolved from a focus on lead-based paint abatement (SJR 245, 1993) to a comprehensive forum relating to activities to reduce lead poisoning, particularly among children. SJR 103 (2006) directs the joint subcommittee to:

- Determine the usefulness of statewide health database information in containing health care costs and improving health care, especially for children who are exposed to lead or have elevated blood lead levels.
- Meet the two essential lead program elements needed by the Department of Health to meet 2006 federal grant requirements.
- Continue to assist agencies to obtain funding to protect Virginia's children from lead risks.

Virginia Lead Safe Homes

Floris Weston - Program Manager, Department of Housing & Community Development (DHCD)

Ms. Weston updated the members on the Virginia Lead-Safe Homes Program and explained that the DHCD's goal is to improve the ability of local communities to deal with local housing problems, including lead poisoning issues. The DHCD is currently working with a \$3 million HUD grant to target multiple offenders, identified by the Health Department, that have been associated with more than one incident of lead poisoning of a child under the age of six. The DHCD hopes to have a greater impact

by targeting multiple offenders, than if they simply meet their goal of targeting 100 units. Of concern to the members was that no Virginia localities received HUD funding in the last round of grants. Ms. Weston stressed that localities need to be encouraged to seek federal funding. It is unclear whether localities are failing to apply or if their applications were simply unsuccessful.

Since one of the original purposes of the joint subcommittee was to help agencies obtain funding, the members agreed to further explore the issue of grant applications at the next meeting.

Certification of Lead Contractors and Workers

David Dick - Executive Director, Department of Professional & Occupational Regulation (DPOR)

Mr. Dick explained that DPOR, as well as the Board of Asbestos, Lead, and Home Inspectors, is continuing its role of maintaining a regulatory infrastructure enabling those needing lead-abatement to locate qualified contractors and professionals. In order for a project to be considered for lead-abatement, at least one of the following conditions must exist:

- There is a child with an elevated blood-lead level in residence on the property when the work is being done.
- More than \$25,000 in HUD grant money is being expended.
- The stated purpose of the project is to permanently eliminate lead-based paint hazards.

Mr. Dick updated the subcommittee on the status of a proposed EPA rule that was published in January of 2006, which

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For more information, visit study websites.

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

Members were pleased to hear about the positive steps DMAS is taking to ensure Medicaid children were receiving the required lead poisoning screening, but some were concerned that FAMIS children were not receiving the same benefits.

contains new requirements to reduce exposure to lead hazards by renovation, repair, and paint activities that disturb lead-based paint, supporting the Federal government's goal of eliminating lead poisoning by 2010. This rule was mandated to be in effect by 1996; however, the EPA is currently conducting a field study to collect information to be used in finalizing the rule, and expects final publication in December 2007.

EPSDT Outreach Update

Brian Campbell - EPSDT Coordinator, Department of Medical Assistance Services (DMAS)

The Early Periodic Screening, Diagnosis, and Treatment (EPSDT) Program is the child health component of Medicaid. Mr. Campbell spoke about actions DMAS is taking to ensure that Medicaid-eligible children are receiving the required lead poisoning screening. He told the members about DMAS' collaboration with the Virginia Department of Health (VDH) to reach Medicaid-eligible children with elevated blood-lead levels, both through direct mailings and contact with physicians.

The joint subcommittee was pleased to hear about the positive steps DMAS is taking with regards to Medicaid children, but some members were concerned that children enrolled in Virginia's FAMIS program were not receiving the same benefits. Mr. Campbell stated that

FAMIS children are eligible for lead poisoning treatment, but they are not required to receive lead poisoning screening. Non-Medicaid children are currently being screened based on certain risk factors developed by the Lead-Safe Virginia Program. Members expressed the need to further explore the availability of lead poisoning screening to Virginia's children. Dr. Robert Stroube, Commissioner of the VDH, and others agreed to provide more information on the issue at the next meeting.

Final Meeting

A final meeting will be held in order to hear from the VDH on the status of the Lead-Safe Virginia Program and to discuss recommendations the joint subcommittee may want to submit to the 2007 General Assembly.

SJR 103

Joint Subcommittee Studying Lead Poisoning Prevention

Senator Benjamin J. Lambert III, Chair

Jessica Eades and Brenda Edwards, DLS Staff

(804) 786-3591

[study website](#)

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

HJR 551: Reduction of Highway Noise Abatement Costs

September 26, 2006

In the absence of a quorum, the joint subcommittee members in attendance discussed the various aspects of using vegetation as a means of highway noise abatement with Delegate Joe T. May, Chairman of the Joint Commission on Technology and Science (JCOTS). Delegate May suggested that the amount of vegetation required by federal standards may be too large in order to achieve the same amount of noise abatement provided by a typical noise wall. He mentioned that experimental products using material from recycled tires might be a way to lessen highway noise at a lower cost and invited the members to attend an upcoming meeting of JCOTS where this technology will be discussed.

Next Meeting

The members discussed attending the JCOTS meeting in conjunction with the next joint subcommittee meeting, when the members will discuss possible recommendations to the 2007 General Assembly. Meeting information will be posted on the General Assembly's internet calendar.

HJR 551

Joint Subcommittee to Study Reduction of Highway Noise Abatement Costs

Delegate Jeffrey M. Frederick, Chair

Alan Wambold and Stephanie Bishop, DLS Staff

(804) 786-3591

HJR 48: Medical, Ethical, & Scientific Issues Relating to Stem Cell Research

October 17, 2006

The joint subcommittee, chaired by Delegate Robert G. Marshall, decided at its first meeting of the interim to focus on the efforts of the Cord Blood Bank Initiative, which was passed in the 2006 General Assembly Session. Staff was asked to prepare presentations on the progress of the initiative for the second meeting.

VDH Update

The first presentation was given by staff on behalf of Dr. David Suttle of the Virginia Department of Health (VDH) regarding its progress in establishing the Cord Blood Bank Initiative. The VDH is just in the beginning stages of understanding the complex accreditation process, as well as the feasibility and constraints within the existing appropriation. One problem is the existing cord blood storage capacity. The VDH will investigate the possibilities of expansion within existing facilities, as well as creating new capacity within the Commonwealth and partnering with out-of-state entities for storage.

An important next step for the VDH will be finding a subject matter expert to serve as project manager for the Cord Blood Bank Initiative. The VDH hopes to find an expert by November 2006, when it plans to convene a statewide consortium of interested parties and establish task subcommittees.

Clinical Trials

Staff made a presentation of some of the current clinical trials relating to umbilical cord blood. Of the many trials detailed on ClinicalTrials.gov, a website maintained by the National Institutes of Health (NIH), staff described four which were particularly relevant to the work of the subcommittee. Each of the clinical trials involved the use of umbilical cord blood to treat different diseases, ranging from different types of cancers, to sickle cell disease, to type-one diabetes. All four studies are either fully or partially funded by NIH.

Federal & Other State Legislation

Staff presented a review of legislation from the federal government and other states relating to cord blood banking. In December of 2005, President Bush signed H.R. 2520, which created a new federal program to collect and store cord blood, similar to the measure passed last Session in Virginia.

Currently, because of the language of the bill, Virginia's Cord Blood Bank Initiative is not compatible with the federal program. Because of the significant amount of federal funding involved, and because several states already have hospitals participating in the federal program, the joint subcommittee members questioned whether the Commonwealth should consider taking part in this federal program. Cord blood legislation from other states falls into three basic categories:

- Legislation to educate expectant mothers about umbilical cord blood banking.
- Education awareness programs for the public on the benefits of cord blood banking.
- Legislation establishing public cord blood banks.

Staff explained several differences between the 2006 Virginia legislation and that of other states. For example, the Commonwealth, unlike some states, does not require that all pregnant women be notified of the opportunity to donate cord blood. There also is no requirement to educate the public about the difference between private and public cord blood banking.

Next Meeting

The joint subcommittee decided to hold a meeting in early November to hear an update from the VDH on the progress of the Cord Blood Bank Initiative. The meeting, scheduled for November 13, 2006, will also be a work session to develop ideas for possible legislation that the subcommittee may recommend during the 2007 Session of the General Assembly.

HJR 48

Joint Subcommittee to Study the Medical, Ethical & Scientific Issues Relating to Stem Cell Research

Delegate Robert G. Marshall, Chair

Jessica Eades and Nikki Seeds, DLS Staff

(804) 786-3591

study website

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

Because several states already have hospitals participating in the federal cord blood bank program, the members questioned whether Virginia should also consider participating in the federal program.

HJR 25: Science, Math, and Technology Education

October 10, 2006

Teachers need to receive development training so that they can be confident in implementing design and technology in the classroom as a means to extend and support Virginia's Standards of Learning.

The second meeting of the joint subcommittee, chaired by Delegate Cosgrove, took place on October 10, 2006. Members heard from five guest speakers, as well as two students from the Shenandoah Valley Governor's School.

Marcia Hickey - Adjunct Instructor, College of Integrated Science and Technology, James Madison University

Ms. Hickey discussed the Children's Engineering Guide, which was first published in July 2003. The guide was designed for K-5 grade teachers to use as a supplement to the core curriculum. Ms. Hickey maintains that children in kindergarten through fifth grade should study technology in order to:

- Make connections between the natural and man-made world.
- Develop critical thinking and problem solving skills.
- Experience the true application of knowledge and technology.
- Gain ownership of essential knowledge.
- Bridge the gap between memorization of facts and the understanding of skills and processes.

Technology education teaches students to identify a problem, brainstorm solutions, create solutions, evaluate the chosen solution, and finally to test the solution. Ms. Hickey explained that the guide helps teachers enhance current teaching in the core Standards of Learning areas of English, math, science, history, and social science and helps children to retain the content described in the Standards of Learning more successfully. An example of a math lesson would be a third grade teacher assigning a challenge where small groups of students must brainstorm, restate a problem, build, record difficulties, and evaluate a chosen solution. After each challenge the teacher assesses each student's performance.

Ms. Hickey stressed the need for professional development for teachers. She noted that since the guide was published in 2003, only 150 teachers (.05 percent of the teaching population) have received school division

level in-service training through Design and Technology workshops. Teachers need to receive training so that they can be confident in implementing design and technology in the classroom as a means to extend and support Virginia's Standards of Learning.

Kathleen Stansbury - President, Virginia Technology Education Association (VTEA)

Ms. Stansbury presented a preliminary report on the need for technology education in Virginia, as the VTEA envisions a citizenry that is technologically literate. There are six initiatives promoted by the VTEA as essential to achieve its goals:

- **Elementary School**—integrated learning through the elementary school curriculum.
- **Middle School**—required instruction in technology education for each student.
- **High School**—provide at least two technology education electives.
- **STEM initiative**—funding for two biennial periods to establish K-12 based technology education courses.
- **Technical Assistance**—provided by the VDOE to local education agencies through the services of at least three technology education program area specialists.
- **Teacher Preparation**—establishment of pre-service and in-service education to make sure a sufficient number of trained teachers are available.

Ms. Stansbury emphasized that ensuring that each learner benefits from technology education means that it must be included within the Commonwealth's educational requirements. The VTEA believes that to improve and strengthen the education of all students in Virginia's schools the study of technology, which emphasizes technological content, processes, and effects, must be included within the curriculum for every child in grades K-12. Teachers must be prepared in the content and methods for developing the individual learner's technological literacy and capability.

George R. Willcox - Career Cluster Coordinator, Career and Technical Education, VDOE

Mr. Wilcox spoke on behalf of the Virginia Department of Education (VDOE) about the Standards for Technological Literacy and Project Lead the Way, a national program that partners with state agencies to provide specialized

education in high school. The Standards for Technological Literacy establish requirements and benchmarks for all grade K-12 students, with 20 broadly stated standards that specify what every student should learn about technology. A technologically literate person understands what technology is, how it is created, how it shapes society, and in turn is shaped by society. Project Lead the Way is a not-for-profit organization offering a four year curriculum in engineering that when coupled with math and science classes introduces students to the scope, rigor, and discipline of engineering and engineering technology prior to entering college. Currently, 24 Virginia schools in 14 different school divisions offer Project Lead the Way courses.

Linda Cauley - Director, Shenandoah Valley Governor's School

Ms. Cauley spoke to the members about the Governor's School and emphasized that the school's teachers never stop learning. The Shenandoah Governor's School provides an arts/humanities track and a math, science, and technology track with a range of options available in each program. Ms. Cauley estimated that roughly half of the students that apply to attend the Governor's School are able to attend. Two current students spoke to the members about their learning experiences at the school. They both noted that the school is preparing them for college, gives them a chance to work independently, and allows them to earn college credit in dual enrollment courses.

Daniel J. LaVista, Executive Director, State Council of Higher Education for Virginia

Dr. LaVista spoke at the first meeting in August, and returned to answer follow-up questions. He informed the members that SCHEV is currently working on conducting a survey of Virginia institutions in order to determine the weak skill areas of college freshman in math and science. National surveys reveal that 85% of faculty members indicate that high school graduates are either "unprepared" or are "only somewhat well prepared" to pursue a college degree. Dr. LaVista also stated that 10,000 degrees are conferred every year in Virginia in the math, science, and technology fields. The members requested more detailed information, including what percentage of those degrees are awarded to students who attended Virginia high schools. Dr. LaVista noted that the median salary

for all workers in 2005 was \$34,000, compared to \$56,000 among all science, math, and technology workers. With respect to professors in the STEM fields (science, technology, engineering, and math), Dr. LaVista stated that university deans and department heads, acting as the hiring authority for most faculty positions, reveal that teaching load is a major determinant as to whether or not a well-qualified candidate will accept a teaching offer.

Dr. LaVista reported that other states are attracting research dollars by:

- Identifying research focus areas that may receive federal support.
- Attracting and retaining top-notch faculty.
- Developing new researchers from within the state.
- Expanding to provide the space available for faculty to conduct university research.

Currently Virginia ranks 37th in the nation for research dollars expended per capita by universities, 32nd in the nation for federal research dollars expended per capita by universities, and 35th in the nation for state, local, and institutional research dollars expended per capita by colleges and universities.

Next Meeting

The third meeting will be held on October 25, 2006, in Alexandria at the Thomas Jefferson High School for Science and Technology, and members will tour the school before a public meeting at 2:30 p.m. There will be a presentation about the school and members will hear from current students.

HJR 25

Joint Subcommittee to Study Science, Math, and Technology Education

Delegate John A. Cosgrove, Chair

Senator Jeannemarie Devolites Davis, Vice-chair

Nikki Seeds and Patrick Cushing, DLS Staff

(804) 786-3591

study website

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

Virginia ranks 37th in the nation for research dollars expended per capita by universities, 32nd in the nation for federal research dollars expended per capita by universities, and 35th in the nation for state, local and institutional research dollars expended per capita by colleges and universities.

SJR 60: Virginia's Future Transportation Needs

October 13, 2006

Commissioner Ekern remarked that 21st century transportation programs would be characterized by increased use of intelligent transportation systems technologies and increased cooperation among state and federal transportation agencies and public-private partnerships.

The joint subcommittee, chaired by Senator Williams, met on October 13, 2006, at Old Dominion University. Several guest speakers were invited to make presentations at the meeting.

David Ekern - Commissioner of Transportation

Commissioner Ekern used his experiences in Minnesota and Idaho, as well as the American Association of State Highway and Transportation Officials (AASHTO) to illustrate initiatives and policy developments that are changing the face of the nation's transportation agencies. He explained that, since the completion of the Interstate Highway System in the early 1990's, highway transportation programs across the country have been changing to meet the challenges of the post-Interstate environment. He stated that the Virginia Department of Transportation (VDOT) was experiencing these changes, too, evolving from a public works, project-focused, "reactive" agency to one that is more mobility- or outcomes-focused, customer-oriented, and performance-driven. Commissioner Ekern told the members that 21st century transportation programs would be characterized by increased use of intelligent transportation systems technologies and increased cooperation both among state and federal transportation agencies and more numerous public-private partnerships, linking the governmental and private sectors of the economy.

In discussing the National Highway System (NHS), the Commissioner pointed out that, while Virginia has both more route-miles and lane-miles of non-NHS components, more vehicle miles are traveled in the Commonwealth on NHS components. Several members asked Commissioner Ekern to provide the members with a clearer understanding of who decides what highways become NHS components, the basis for that decision, and a map of the NHS in Virginia.

The discussions turned to questions of the transfer of control of certain Virginia highways to local governments. The Commissioner cautioned the members that devolution to local

governments would involve both pluses and minuses. He stated that the transition would need to be carefully planned, cautiously managed, and performance-driven with particular attention to system ownership, function and design, funding, and the conversion process itself. A carefully revised business plan for VDOT, he stressed, would be essential.

Gregory Whirley, Sr. - Chief Deputy Commissioner of Transportation

Mr. Whirley briefed the members on VDOT's maintenance and operations functions, emphasizing the rapidly rising costs of all aspects of highway system maintenance. He noted that statewide maintenance needs increased from \$2.9 billion in 2004 to \$3.3 billion only one year later. He also drew the members' attention to the increased use by VDOT of an asset management system to predict maintenance needs and allocate maintenance resources both functionally and geographically. He reminded the members that VDOT is in the process of outsourcing its maintenance functions to the private sector statewide and pointed out that all contracts for maintenance would be performance-based. Considerable additional detail was supplied in materials distributed to the members.

Mohammad Karim - Old Dominion University (ODU)

Dr. Karim briefed the members on Strategies for Disruption-Free Movement of Merchandise and People. He painted a broad picture of Virginia's place in a rapidly globalizing world economy and the many changes that globalization would necessitate in the Commonwealth's transportation infrastructure. He proposed that ODU initiate the following:

- Utilize ODU's engineering and computational programs to develop a systems engineering means to identify, define, and characterize inland transportation hub alternatives for the Commonwealth.
- Engage an unconventional team of transportation psychologists, economists, and supply-chain logistics experts to develop real-time visualization tools for related decision making and policy deliberations.
- Utilize ODU's Virginia Modeling, Analysis, and Simulation Center (VMASC) and International Maritime, Ports, and Logistics Management Institute in this effort.

- Utilize discrete-event and physics-based simulation mathematical tools to identify optimum inland transportation hubs and transportation networks for the Hampton Roads region.

Dr. Karim estimated that the comprehensive ODU engineering research he proposed would cost the Commonwealth \$1.77 million.

Douglas Easter - Easter Associates

Mr. Easter spoke on behalf of the Virginia Transportation Construction Alliance. He noted the rapidly rising costs of maintenance due in large measure to escalating prices for materials such as asphalt, cement, and steel. He stated that most Interstate Highway System components are now twenty-years-old or older and that there are insufficient resources from reliable, sustainable, and predictable sources available to cover actual maintenance needs. He pointed to a point of "cross-over" a few years ago, when resources that otherwise would have funded the Commonwealth's highway construction program had been redirected instead to fund maintenance of existing assets. The collapse of the housing and commercial building market and the unavailability of resources adequate to fully fund Virginia's highway maintenance needs were putting many contractors out of business.

Mr. Easter mentioned that he had no particular objection to the transfer of highway maintenance responsibilities to Virginia's local governments, if localities were provided with sufficient financial and other requisite resources. He cautioned that devolution of responsibility for maintenance to local governments might eliminate some economies of scale that VDOT presently enjoys.

In conclusion, Mr. Easter made the following recommendations:

- Re-evaluate the entire VDOT procurement process with a goal of making it more performance-based.
- VDOT move from the use of financial penalties to the use of financial incentives in performance measurements.
- A more extensive use of design-build contracts and other innovative measures.

Next Meeting

The next meeting of the joint subcommittee is scheduled for November 27, 2006, at 10 a.m. at the General Assembly Building in Richmond.

SJR 60

Joint Subcommittee to Study the Role of the Commonwealth and its Agencies in Meeting Virginia's Future Transportation Needs

Senator Martin E. Williams, Co-chair

Delegate Leo C. Wardrup, Jr., Co-chair

Alan Wambold and Stephanie Bishop, DLS Staff

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A guest speaker noted that most Interstate Highway System components are now twenty-years-old or older and that there are insufficient resources from reliable, sustainable, and predictable sources available to cover actual maintenance needs.

DLS BULLETIN BOARD

- Joint subcommittees should complete their meetings for the first year by **November 30, 2006**, and for the second year by **November 30, 2007**, and submit an executive summary including their findings and recommendations to DLAS by the first day of the General Assembly's Regular Session.
- Study meetings may be added at any time, so please check for information on the General Assembly calendar online or the individual study websites sponsored by DLS.
- Committee action on continued legislation must be completed by midnight on **December 8, 2006**.
- All requests for drafts of legislation for prefiling to be submitted to DLS by 5:00 p.m. on **December 11, 2006**.
- All requests for drafts, redrafts, and corrections for legislation creating or continuing a study to be submitted to DLS by 5:00 p.m. on **January 5, 2007**.
- All requests for redrafts and corrections of legislation for prefiling submitted to DLS by 5:00 p.m. on **January 5, 2007**.
- Covered drafts of legislation to be prefiled available at DLS by noon on **January 9, 2007**.
- All requests for drafts, redrafts, and corrections for first-day introduction bills submitted to DLS by 5:00 p.m. on **January 9, 2007**.
- Prefiling ends at 10:00 a.m. on **January 10, 2007**.

HJR 133/SJR 94: Long-Term Funding for Open-Space Land

October 10, 2006

Landowners participating in the Virginia Beach program can still farm, rent or sell, hunt, and harvest timber on their land, but land for which development rights have been purchased may not be developed for residential, industrial, or commercial purposes—except for farming.

The Joint Subcommittee to Study Long-Term Funding Sources for the Purchase of Development Rights to Preserve Open-Space Land and Farmlands, co-chaired by Delegate Lynwood Lewis and Senator Emmett Hanger, held its second meeting on October 10, 2006. Several guest speakers were invited to the meeting to make presentations to the members.

Jenny McPherson - Agricultural Reserve Program Coordinator, Virginia Beach Agriculture Department

Ms. McPherson presented an update on Virginia Beach's local purchase of development rights program established in 1995. The goals of the program are to:

- Maintain agriculture as a viable industry.
- Preserve the resource base for farming and to acquire the development rights to 20,000 acres of land.
- Maintain an infrastructure for agriculture.
- Defer the cost of urban infrastructure.
- Preserve open space and rural culture.
- Enhance the environmental aspect of Virginia Beach.

Landowners participating in the program can still farm, rent or sell, hunt, and harvest timber on their land. However, land for which development rights have been purchased may not be developed for residential, commercial (other than farming), industrial, or similar purposes. Virginia Beach has purchased the development rights to approximately 7,100 acres, which otherwise could have supported 623 development units under the city's zoning ordinances. The total value of the development rights purchased for the 7,100 acres is \$22,643,000.

Virginia Beach's purchase of development rights program is funded by a portion of its real estate tax. The city's real estate tax rate in general is \$0.99 per \$100 of assessed value of which \$0.009 per \$100 is dedicated for funding of the program. The dedicated portion of the real estate tax generates approximately \$4 million on an annual basis. In the 2006 fiscal year, \$3.7 million was transferred from the program to acquire property bordering Naval Air

Station Oceana. The current balance of the agricultural reserve program is \$14,598,762. This amount is needed to:

- Purchase 25-year United States Treasury Strips that, upon maturity, are used to make balloon payments to landowners participating in the program.
- Make nontaxable semi-annual interest payments to such landowners in June and December.
- Fund the operational expenses of the program.

Suzanne Wescoat and Jeff Walker - Supervisors, Northampton County Board of Supervisors

Ms. Wescoat and Mr. Walker discussed Northampton County's purchase of development rights program. The entire county, which is covered under the Chesapeake Bay Preservation Act, currently has 52,459 acres of farmland and 30,000 acres of woodland. Aquaculture and commodity farming are important industries. The county already has 5,600 acres protected from development through property rights held by The Nature Conservancy, the Virginia Outdoors Foundation, and the Virginia Eastern Shore Land Trust.

Northampton County has adopted a purchase of development rights ordinance that has been approved by the Virginia Department of Agriculture and Consumer Services. One way the county funds the program is to dedicate one-half of all collected rollback taxes, which are imposed upon landowners who are not in compliance with use value taxation agreements. The county may also consider new legislation to increase the lodging tax from 2% to 5% to fund the program.

Melvin Atkinson - Rural Community Coordinator, Virginia Beach Agriculture Department

Mr. Atkinson presented information on the initiatives of a statewide purchase of development rights managers' group that is studying funding issues for local purchase of development rights programs. Statewide data reports:

- Ten localities have established and provided some funding for a local purchase of development rights program.
- Six counties have established a purchase of development rights program, but have not funded the program.

- 28 localities are interested in establishing a local purchase of development rights program.

Mr. Atkinson stated that of all the land developed in Virginia since the founding of Jamestown, more than 25% has been developed in the last 15 years. He noted that successful land conservation requires the protection of diverse lands, including working farms, forests, scenic landscapes, natural areas, wildlife habitat and game lands, historic resources, and parks and recreational areas. In terms of conservation, priorities for the Commonwealth would include:

- Ensuring an adequate land base of working farm and forest land so that agriculture remains an economic leader in Virginia.
- Permanently protecting an additional 358,000 acres of land from development by 2010 to meet conservation goals and objectives of the Commonwealth under the Chesapeake Bay Agreement.
- Protecting natural resources.

The managers' group estimates an average statewide cost of \$6,000 per acre to purchase development rights to land. If the Commonwealth funds one-half of the estimated cost per acre, then the cost to the state for the preservation of 300,000 acres would be \$300 million.

Mr. Atkinson stated that the Office of Farmland Preservation should be fully staffed, including staffing for the Virginia Farm Link Program, and that localities should be able to issue debt for farmland preservation without voter approval. He explained that preserving diverse lands requires a variety of programs at the state and local level, including:

- State tax credits for voluntary donations of conservation easements under the Virginia Land Conservation Incentives Act of 1999.
- State matching funds to match local moneys under purchase of development rights programs.
- State appropriations for the Virginia Land Conservation Foundation.

Kevin Schmidt - Mid-Atlantic States Director, American Farmland Trust

Mr. Schmidt provided information to the members on purchase of development rights programs in other states. As of June 2006, 27 states established state-level purchase of development rights programs with 21 programs having been funded to purchase easements. Nearly 1.5 million acres, at a cost of approximately \$2 billion, have been protected from development under these programs.

In addition, there currently exist 55 independently funded, local programs in 18 states. The local purchase of development rights programs account for an additional 273,000 acres protected from development at a cost of \$764 million.

Maryland's Program

Maryland has funded its program primarily from a real estate transfer tax, and other funding from an agricultural transfer tax, proceeds from bonds, appropriations, and funds from the Federal Farm and Ranch Lands Protection Program. For fiscal year 2007, Maryland has \$115.5 million in its purchase of developments rights programs with \$89.5 appropriated to the Maryland Agricultural Land Preservation Foundation (MALPF) and \$26 million appropriated to the Rural Legacy program. One-half of MALPF funds are split equally among Maryland's 23 counties and the remaining one-half is used for matching local source funds on a 60% state/40% local cost share. Funds appropriated to the Rural Legacy program are allocated to approved areas based on a local government's history of acquiring conservation easements.

Pennsylvania's Program

Pennsylvania has funded its program through the issuance of \$100 million in bonds in 1987; the dedication of cigarette tax revenues in 1991 generating approximately \$20 million per year; a one-time appropriation of \$43 million in 1999; a "Growing Greener" bond program established in 1999 providing for the sale of \$646 million in bonds over 5 years with \$100 million of the proceeds dedicated for farmland preservation; a "Growing Greener II" bond program established in 2005 providing for the sale of \$625 million in bonds over 6 years with \$80 million dedicated for farmland preservation; and the dedication of 14.5% of the revenues in Pennsylvania's Environmental Stewardship Fund. In 2006, Pennsylvania has approximately \$102 million available for distribution to local county purchase of development rights programs. One-half of these moneys will be distributed to counties based on real estate activity in Pennsylvania's counties and the remaining one-half will be distributed based on county matching funds and agricultural productivity.

A guest speaker noted that successful land conservation requires the protection of diverse lands, including working farms, forests, scenic landscapes, natural areas, wildlife habitat and game lands, historic resources, and parks and recreational areas.

As of June 2006, 27 states have established state-level purchase of development rights programs with 21 of these programs having been funded to purchase easements; nearly 1.5 million acres have been protected from development by these programs.

Delaware's Program

Delaware has funded its program using \$60 million received under a lawsuit against the State of New York; a state transfer tax established in 2005 that generates approximately \$10 million per year; \$17.6 million in funds received since 1996 under the Federal Farm and Ranch Lands Protection Program; transportation funds; and Farmland preservation license plates. In 2006, Delaware has approximately \$13.6 million in funds to purchase development rights to land.

Next Meeting

The next meeting of the joint subcommittee will be held on Tuesday, November 28, 2006, at 1:30 p.m. at Graves Mountain Lodge in Syria, Virginia.

Special Subcommittee to Study HB 1442

September 18, 2006

During the 2006 Regular Session, Delegate Tata, chairman of the House Committee on Education, appointed a special subcommittee to examine the issues relating to HB 1442, which requires one concentration in career and technical education in order to earn a standard diploma. Members are Delegates R. Steven Landes (chair), Charles W. Carrico, Sr., Phillip A. Hamilton, Jennifer L. McClellan, Melanie L. Rapp, and Robert Tata (ex officio). John Ledgerwood of the Advanced Technology Center, and Elizabeth Russell and Michelle Vucci of the Virginia Department of Education were also appointed to serve on the committee. There were several guest speakers invited to the meeting.

During the 2006 General Assembly Session, HB 1442 was discussed in two separate full committee meetings, where the main issues related to the usage of the word "concentration," the requirements to complete a standard diploma, and the necessity of the bill when students are not currently prohibited from obtaining a concentration in career and technical education when completing the standard diploma requirements.

HJR 133/SJR 94

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

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

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

Mark Vucci, David Rosenberg,
and Kevin Stokes, DLS Staff

(804) 786-3591

study website

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

HB 1442

Delegate Nutter, the bill's patron explained that HB 1442 expands the requirements for earning a standard diploma to include a concentration in career and technical education. Currently, to fulfill the requirements for a standard diploma, a student must complete six electives. If HB 1442 became law, two of those six electives would be in career and technical education. The intention of the legislation is to increase workforce preparedness by strengthening career and technical education.

The Virginia Board of Education defines "concentration" in its *Career and Technical Education Administrative Planning Guide* as a "coherent sequence of courses completed by a student in a specific career area as identified in this planning guide." Most concentrations are achieved with the successful completion of two courses.

Speakers

Johnny Cates - Automotive Youth Educational Systems (AYES), Virginia Automobile Dealers Association

Mr. Cates mentioned that Virginia is already being recognized as a leader in the career and

technical education field, and that HB 1442 would strengthen that reputation. He also asserted that the requirement of two sequential course offerings in career and technical education would be positive for the economy.

Calvin Yarbrough - Vice-chair, Virginia Career Education Foundation

Mr. Yarbrough stressed that the bill is beneficial to the industry and as the workforce potentially increases the student is able to explore and earn money with the skills acquired.

Kathy Martin - Vice President, Human Resources, B.I. Chemicals

Ms. Martin, a human resources executive, informed the members that only 10 of every 200 applicants actually possess the skills to work in manufacturing. She noted the importance of students discovering the necessary skills in high school by exploring different options and supported the patron's intent of the bill.

Dr. Brenda Long - Virginia Career and Technical Association

Dr. Brenda Long, a retired director of a career and technical education program, discussed that the bill earmarks two of the six electives required to earn a standard diploma so that the student may obtain a focused concentration.

Public Comment

During the public comment period, several interested parties raised issues about the bill, including whether or not the requirement would create a problem for limited English proficient students as many utilize their electives for English remediation. The members suggested that a definition of "concentration" should be added to the bill because currently it is only defined in the Administrative Planning Guide.

Work Plan

The members took no action, but rather requested that the patron address the issues raised regarding the LEP (limited English proficiency) population, transfer students, and students who decide in their last year of high school to complete the requirements for a standard diploma rather than an advanced diploma. The subcommittee will discuss amendments to the legislation at its final meeting on October 23, 2006.

Special Subcommittee to Study House Bill 1442

Delegate R. Steven Landes, Chair

Nikki Seeds, DLS Staff

(804) 786-3591

*The intention of
HB 1442 is to
increase workforce
preparedness by
strengthening
career and
technical
education by
requiring two of
the current six
electives to
introduce and
strengthen skills in
these areas.*

Scheduled Study Meetings for November

<i>Study Name</i>	<i>Meeting Information</i>	<i>DLS Staff</i>
U.S. Route 460 Communications Committee	10:00 a.m., Wednesday, November 1, 2006 VDOT District Headquarters, Suffolk, VA	Alan Wambold, Stephanie Bishop
Issues Relating to Stem Cell Research	10:00 a.m., Monday, November 13, 2006 10:00 a.m., Thursday, November 30, 2006 General Assembly Bldg, House Room C	Jessica Eades, Nikki Seeds
Prisoner Reentry to Society	2:00 p.m., Wednesday, November 15, 2006 General Assembly Bldg, Senate Room B	Ellen Weston, Brenda Edwards
Telework Opportunities	1:00 p.m., Wednesday, November 15, 2006 General Assembly Bldg, House Room D	Lisa Wallmeyer, Patrick Cushing, Amigo Wade
Virginia's Future Transportation Needs	10:00 a.m., Monday, November 27, 2006 General Assembly Bldg, Senate Room B	Alan Wambold, Stephanie Bishop
Open Space and Farmlands Preservation	1:30 p.m., Tuesday, November 28, 2006 Graves Mountain Lodge, Syria, VA	Mark Vucci, David Rosenberg, Kevin Stokes

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

COMMISSIONS and COUNCILS

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

Robert E. Lee Memorial Commission 10-23-2006

The joint subcommittee created by HJ 710/SJ 382 (2005) to coordinate and plan activities relating to the 200th birthday of Robert E. Lee, co-chaired by Delegate Cline and Senator Hanger, met in Richmond on October 23, 2006. The members reviewed promotional materials for events in 2007, the 200th anniversary of Lee's birthday.

Stratford Hall, Lee's birthplace, sponsored an advertisement in the spring and fall 2007 Virginia tourism guide promoting the Lee Commission and the activities planned for 2007. Stratford Hall is represented on the joint subcommittee by Jim Schepmoes.

Brochure and Website

Staff presented templates for a brochure and website to promote activities related to Robert E. Lee. The proposed brochure will feature a map of Virginia and events open to the public, such as lectures and tours planned around the state. There are also events planned on and around January 19, Lee's birthday. The brochure will prominently display the Commission's website, www.relee2007.com, explain Lee's relevance and connection to Virginia and invite tourists to attend not only scheduled events, but also visit the many sites in the Commonwealth related to Robert E. Lee. The brochure will be produced with a grant from the Virginia Tourism Corporation.

The website will be the focal point of promoting events in 2007. It will include a comprehensive calendar that will be kept up to date as new events are identified and planned and will include detailed information about sites around Virginia such as Stratford Hall, Lee Chapel, Museum of the Confederacy, and Civil War Trails. Dr. James Robertson, director of the Virginia Center for Civil War Studies at Virginia Tech, volunteered to provide a bibliography of resources to include on the website.

Civil War History Events

Kenny Rowlette informed the members about Liberty University's 11th Annual Civil War Seminar, scheduled for March, which will focus on the many facets of Robert E. Lee's life. He also recommended that the joint subcommittee connect with civil war publications and

reenactment groups to promote the various activities throughout 2007. The members also received an update from staff about the recent creation of the Virginia Sesquicentennial of the American Civil War Commission, chaired by Speaker of the House William J. Howell. The commission had its first organizational meeting earlier this fall, and will meet again in November. The commission has also established a website at www.virginiacivilwar.org.

Scholarship Proposal

At an earlier meeting, the members had discussed the possibility of creating a scholarship as part of the educational efforts of the group. A scholarship could either be for a high school senior, or a series of small scholarships or grants could be provided to assist schools in facilitating field trips to sites related to the Civil War for elementary or middle school children. It was discussed that the group was not appropriated any funds by the General Assembly, and that its authority to function as a group will expire in January, 2007. Senator Hanger and Delegate Cline, co-chairs of the joint subcommittee, said that they would discuss the idea of a scholarship for field trips with the Civil War Commission, to see if they would be willing to cooperate with such an undertaking.

Lee Statue Restoration

Senator Hanger reminded the group that restoration work had begun on the Lee statue on Monument Avenue in Richmond. Kathleen Kilpatrick, Director of Historic Resources, said that once work was begun, it became apparent that the monument was in worse shape than originally thought. Nonetheless, they expect the work to be completed in time for Lee's birthday in January. Senator Hanger said he was interested in asking local garden clubs to "spruce up" the landscaping around the monument during 2007. Delores Smith, representing the United Daughters of the Confederacy, said she thought that some of the local chapters may be interested in helping with this effort, as they already provide landscaping assistance to the Museum of the Confederacy.

Education

Dr. Robertson briefly addressed the members stating that he thought that the focus of the group should be on the education of young children about the life of Robert E. Lee. He suggested that something should be done to help call attention to Lee in Virginia's schools. He said that

students today will be the leaders of Virginia tomorrow, and it is important to instill the seeds about the legacy of Robert E. Lee. He volunteered to assist the joint subcommittee any way that he could.

Other Business

Delegate Cline said that he had contacted the Homebuilders Association, which is located in the Lee House in Richmond, and that they would allow the joint subcommittee to host an event at the house on January 18, 2007, for the General Assembly. Delegate Cline said he hoped that an announcement about the scholarship program could be made at that time.

Ms. Kilpatrick added that an application had been made to include the Lee Monument individually on the National Register of Historic Landmarks, and she hoped that an announcement about that effort could also be made at such an event.

At the close of the meeting, the committee debated whether or not to refer to the events scheduled for 2007 as a celebration or a commemoration. After a vote, it was decided that both terms should be used.

Next Meeting

The joint subcommittee has not yet scheduled its next meeting, but hopes to convene at Stratford Hall in late November or early December.

Robert E. Lee Memorial Commission

Senator Emmett W. Hanger, Jr., Co-chair
Delegate Benjamin L. Cline, Co-chair

Lisa Wallmeyer, DLS Staff

General Assembly Building, 2nd Floor
910 Capitol Street
Richmond, Virginia 23219

Telephone (804) 786-3591

DLS website—<http://dls.state.va.us/relee.htm>

Events website—<http://www.relee2007.com>

Legislative Commissions and Advisory Councils

<i>Commission Name</i>	<i>Meeting Information</i>	<i>DLS Staff</i>
Commission on Electric Utility Restructuring <i>Capped Rates Subcommittee</i>	2:00 p.m., Thursday, November 2, 2006 General Assembly Bldg, Senate Room A	Frank Munyan
Brown v. Board of Education Committee Scholarship Awards	9:00 a.m., Thursday, November 2, 2006 General Assembly Bldg, Senate Room A <u>Information Session</u> 6:00 p.m., Wednesday, November 8, 2006 900 Griffin Boulevard, Farmville, VA	Brenda Edwards
Sesquicentennial of the Civil War Commission	10:00 a.m., Thursday, November 9, 2006 Pamplin Historical Park, Education Center	Cheryl Jackson, Brenda Edwards
Virginia Code Commission	10:00 a.m., Thursday, November 9, 2006 General Assembly Bldg, 6th Floor Conference Room	Jane Chafin
Virginia Housing Commission	1:00 p.m., Wednesday, November 29, 2006 Norfolk Marriott, Waterside <u>Work Group Meetings</u> <i>Common Interest Communities 11/14, 10:00 a.m.</i> <i>Building Codes & Accessibility 11/15, 10:00 a.m.</i> <i>Patrick Henry Bldg</i>	Elizabeth Palen
JCOTS	10:00 a.m., Thursday, November 30, 2006 General Assembly Bldg, House Room D <u>Work Group Meetings</u> <i>State of e-Government 11/7, 2:00 p.m., GAB</i> <i>Electronic Medical Records 11/28, 1:30 p.m., GAB</i> <i>Electronic Balloting 11/29, 1:30 p.m., Patrick Henry Bldg</i>	Lisa Wallmeyer, Patrick Cushing

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

REGULATORY ALERT
A CONVENIENT GUIDE TO REGULATORY ACTIVITY IN THE COMMONWEALTH

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

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

TITLE 1. ADMINISTRATION

**DEPARTMENT OF HUMAN RESOURCE
MANAGEMENT
Proposed Regulation**

1 VAC 55-30. Long-Term Care Regulations (adding 1 VAC 55-30-10 through 1 VAC 55-30-90).

Written public comment may be submitted to the Department of Human Resource Management until December 16, 2006.

The proposed regulation explains which groups of employees, former employees and their dependents are eligible for the long-term care program sponsored by the Department of Human Resource Management. Additionally, the regulation clarifies the different insurance classifications, and the processes that the eligible participants within each classification must go through in order to secure coverage.

The regulation spells out that satisfactory evidence of good health is required prior to enrollment in the plan except for newly eligible active employees or during special enrollments. Regardless as to date of hire or any special enrollment, employees must be actively at work in order to be accepted into the program.

For further information please contact Charles Reed, Associate Director, Department of Human Resource Management, (804) 786-3124, FAX (804) 371-0231, or email charles.reed@dhrm.virginia.gov.

TITLE 8. EDUCATION

**STATE BOARD OF EDUCATION
Proposed Regulation**

8 VAC 20-21. Licensure Regulations for School Personnel (repealing 8 VAC 20-21-10 through 8 VAC 20-21-730).

8 VAC 20-22. Licensure Regulations for School Personnel (adding 8 VAC 20-22-10 through 8 VAC 20-22-760).

A public hearing will be held November 28, 2006, at 11 a.m., Office of Policy and Public Affairs, Department of Education, Richmond, Virginia. Written public comment may be submitted until 5 p.m. on December 15, 2006.

The present action proposes substantive changes in the requirements for licensure of school personnel. In a concurrent action, the Board of Education proposes to repeal the text of the current regulations (8 VAC 20-21) and promulgate new regulations (8 VAC 20-22). Substantive new requirements are proposed in several areas, including: (i) conditions for licensure (including, but not limited to, a revision of the exemption experience criteria for testing requirements and requiring all teachers on provisionally issued licenses to meet testing requirements for licensure within one year of the contractual date of employment); (ii) types of licenses; (iii) designations of career paths to teaching; (iv) added endorsements by examination; (v) conditions for licensure by reciprocity; (vi) names of a few endorsements and requirements for some teaching areas; (vii) endorsement areas by adding the mathematics specialist, school manager, and speech language assistant; and (viii) the administration and supervision endorsement.

For further information please contact Dr. Margaret N. Roberts, Office of Policy and Public Affairs, Department of Education, (804) 225-2540, FAX (804) 225-2524, email margaret.roberts@doe.virginia.gov.

**STATE BOARD OF EDUCATION
Proposed Regulation**

8 VAC 20-541. Regulations Governing Approved Programs for Virginia Institutions of Higher Education (repealing 8 VAC 20-541-10 through 8 VAC 20-541-60).

8 VAC 20-542. Regulations Governing the Review and Approval of Education Programs in Virginia (adding 8 VAC 20-542-10 through 8 VAC 20-542-600).

A public hearing will be held November 29, 2006, at 11 a.m., Office of Policy and Public Affairs, Department of Education, Richmond, Virginia. Written public comment may be submitted until 5 p.m. on December 15, 2006.

The program approval process in Virginia is designed to ensure an alignment between approved education programs and the needs of preK-12 schools. Due to significant proposed revisions to 8 VAC 20-541, Regulations Governing Approved Programs for Virginia Institutions of Higher Education, the Board of Education is proposing a new regulation, 8 VAC 20-542, Regulations Governing the Review and Approval of Education Programs in Virginia.

Substantive elements of the proposed new regulations focus on revision of selected definitions to conform with changes in the proposed new regulations; modifications in administration of the proposed new regulations, including separation of the accreditation process from the program approval process; the development of regulations focused on biennial measures of accountability; and inclusion and modification of competencies for preparation programs for school personnel contained in 8 VAC 20-21, Licensure Regulations for School Personnel.

For further information please contact Dr. Margaret N. Roberts, Office of Policy and Public Affairs, Department of Education, (804) 225-2540, FAX (804) 225-2524, email margaret.roberts@doe.virginia.gov.

TITLE 12. HEALTH

**STATE BOARD OF HEALTH
Proposed Regulation**

12 VAC 5-585. Biosolids Use Regulations (amending 12 VAC 5-585-70, 12 VAC 5-585-510 and 12 VAC 5-585-600 through 12 VAC 5-585-630).

A public hearing will be held November 9, 2006, at 7 p.m., Department of Health, Richmond, Virginia. Written public comment may be submitted until December 18, 2006.

The proposed amendments provide for resolution of disputes involving local governments and land appliers concerning permit compliance issues and for land application site management practices, including extended buffer setback distances, the application of biosolids, nutrient management plan requirements and extended buffer zones for surface application without incorporation, to protect odor sensitive receptors.

For further information please contact C. M. Sawyer, Division Director, Department of Health, (804) 864-7463, FAX (804) 864-7475, or email cal.sawyer@vdh.virginia.gov.

**TITLE 18. PROFESSIONAL AND
OCCUPATIONAL LICENSING**

**BOARD OF NURSING
Proposed Regulation**

18 VAC 90-25. Regulations Governing Certified Nurse Aides (amending 18 VAC 90-25-15 through 18 VAC 90-25-80 and 18 VAC 90-25-100 through 18 VAC 90-25-130; adding 18 VAC 90-25-71, 18 VAC 90-25-72 and 18 VAC 90-25-81).

A public hearing will be held November 14, 2006, at 11:30 a.m., Board of Nursing, Richmond, Virginia. Written public comment may be submitted until 5 p.m. on December 15, 2006.

The proposed amendments (i) require nursing aide programs to report any change of physical location to the board, (ii) specify that the licenses required of program coordinators and instructors be current and unrestricted, (iii) dedicate 16 of the 24 training hours that nursing aide students are required to complete before they have contact with nursing facility patients to five enumerated core curriculum topics, (iv) provide that providing false information to staff or board members in the course of an investigation or proceeding may lead to disciplinary action, and (v) specify that a nursing aide certificate holder can only petition the board once to remove a finding of neglect.

For further information please contact Jay P. Douglas, R.N., Executive Director, Board of Nursing, (804) 662-9909, FAX (804) 662-9512, or email jay.douglas@dhp.virginia.gov.

**DEPARTMENT OF PROFESSIONAL AND
OCCUPATIONAL REGULATION
Proposed Regulation**

18 VAC 120-30. Regulations Governing Polygraph Examiners (amending 18 VAC 120-30-100).

A public hearing will be held December 11, 2006, at 1 p.m., Department of Professional and Occupational Regulations, Richmond, Virginia. Written public comment may be submitted until December 15, 2006.

The proposed amendments increase fees for licensed polygraph examiners and polygraph examiner interns, add a certificate of licensure fee, and eliminate the dishonored check fee.

For further information contact Kevin E. Hoefft, Regulatory Boards Administrator, DPOR, (804) 367-6166, FAX (804) 367-0674, or email polygraph@dpor.virginia.gov.

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