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SJR 318: Joint Subcommittee Studying Strategies and Models for the Treatment and Prevention of Substance Abuse in the Commonwealth

August 26, 2009

The first meeting of the interim was held at the General Assembly Building in Richmond.

Presentations

Carol McDaid, Faces and Voices of Recovery

Ms. McDaid spoke on the implementation of the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008. Ms. McDaid explained that the Act mandates nondiscriminatory addiction and mental health coverage under employer-based health insurance plans, SCHIP, and Medicaid. While the Act does not require that all health insurance plans include additional mental health benefits, the Act will require that plans offering addiction and mental health coverage must do so in a nondiscriminatory manner so that co-pays, deductibles, day and visit limits, and annual and lifetime caps must be the same as those for medical and surgical benefits. The Act establishes a basic requirement for coverage that will preempt weaker state laws but will not interfere with state laws that require more comprehensive coverage.

Implementation of the Act can be expected to provide several benefits to states including:

- Reduced cost shifting from the private to the public sector.
- Increased access to treatment services.
- Medicalization rather than criminalization of behavioral health conditions.

- Reduced collateral costs of untreated addiction.
- Increased private investment and innovation in treatment services.

Ms. McDaid noted that draft federal regulations are currently circulating amongst impacted federal agencies, and that final regulations are expected by October 3, 2009. The requirements of the Act will become effective on January 1, 2010, regardless of whether final regulations have been promulgated. To prepare for implementation, and to ensure that the state is able to take full advantage of the benefits offered by Act, Ms. McDaid suggested that the state should:

- Prepare a detailed analysis of how Virginia's law and the federal parity law differ.
- Coordinate implementation planning with the Bureau of Insurance, the Department of Behavioral Health and Developmental Services, the Department of Medical Assistance Services, and other impacted agencies.
- Provide advance guidance to treatment providers, counselors, and state managed care contractors on what is expected of them under the new law.
- Inform consumers of their new rights and benefits based on the proposed state implementation.

Henrick Harwood, National Assoc. of State Alcohol and Drug Abuse Directors

Mr. Harwood discussed recent studies of the economic impact of substance abuse and substance abuse treatment activities. Mr. Harwood noted

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

The average wait for substance abuse treatment services in the Commonwealth is 25.4 days.

that costs associated with alcohol may run as high as \$243 billion nationally and \$6 billion in Virginia, and that costs associated with illicit drug abuse may run as high as \$181 billion nationally and \$3.5 billion in Virginia.

Mr. Harwood also provided information on cost offsets and the economic benefits of treatment and prevention activities.

Jennifer Faison, Virginia Association of Community Services Boards

Ms. Faison spoke on the impact of substance use disorders in Virginia, treatment efficacy and capacity, the need for effective treatment strategies, incorporation of evidence-based practices in Virginia's treatment and prevention systems, funding, services, costs, and funding options for prevention and treatment in the Commonwealth as well as information about prevention activities. She noted significant waiting periods for services in the Commonwealth (an average of 25.4 days for treatment services). Ms. Faison also described the need to shift from an acute care model of intervention and services to a chronic disease/recovery management model. She stated that successful prevention and treatment interventions are less costly to the Commonwealth than the potential negative effects of failure to provide prevention and treatment interventions.

Ms. Faison suggested increasing funding by establishing a Substance Abuse Treatment and Prevention Fund to be funded by a percentage of net profits realized by the Alcoholic Beverage Control Board, or through allocation of revenue realized by new ABC stores and Sunday openings of ABC stores for prevention and treatment services. Ms. Faison also suggested increasing user fees on alcohol products and

allocating these funds for prevention and treatment activities.

Discussion of Work Group Plans

The joint subcommittee discussed draft work plans developed by the Treatment and Recovery Model, Prevention, and Prescription Drug Abuse Work Groups. The joint subcommittee approved these work plans with limited changes. The work groups will continue their work as described in these plans, and will report to the full joint subcommittee at the next meeting of the full joint subcommittee.

Next Meeting

The next meeting dates will be posted on the joint subcommittee's website and the General Assembly calendar as soon as information is available.

SJR 318

Joint Subcommittee Studying Strategies and Models for the Treatment and Prevention of Substance Abuse in the Commonwealth

Senator Emmett W. Hanger, Jr., Chair

Sarah Stanton, Robie Ingram

DLS Staff

[study website](#)

<http://dls.virginia.gov/subabuse.htm>

(804) 786-3591

Study Meeting Calendar for October – November '09

<i>Study Name</i>	<i>Meeting Information</i>	<i>DLS Staff</i>
Circuit Court Clerks' Offices	10:00 a.m., Thursday, October 8, 2009 Senate Room B, GAB Bldg.	Mary Felch
Public-Private Partnerships Related to Seaports	Noon, Tuesday, October 20, 2009 Location to be determined	Kevin Stokes
Working with Virginia's Private Nonprofit Colleges	10:00 a.m., Monday, November 16, 2009 House Room C, GAB Bldg.	Jessica Eades Nicole Cheuk
Special Subcommittees on Charitable Gaming Laws	2:00 p.m., Monday, November 16, 2009 House Room C, GAB Bldg.	Maria Everett Amigo Wade

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

Did You Know?

"Did You Know?" will appear in each issue of the *Virginia Legislative Record*. The article will feature important topics or interesting facts that are relevant to the Virginia legislature. For general questions or suggestions for a future issue, please contact DLS at (804) 786-3591 or emiller@dls.virginia.gov.

National Recognition of the Virginia Regulation Information System

The Administrative Codes and Registers Section of the National Association of Secretaries of State awarded the Virginia Division of Legislative Services/Virginia Code Commission the 2009 Robert J. Colborn Jr. Innovation Award at its annual conference in July. The Division of Legislative Services was chosen for the creation of the Regulation Information System (RIS), a web-based application that provides streamlined publication of regulations for the public. The legislative branch's RIS interfaces with the executive branch's regulatory review system, which is administered by the Department of Planning and Budget. RIS highlights include streamlined publication of the *Virginia Register of Regulations*, daily updates to the Virginia Administrative Code, and sharing of regulatory information between the legislative and executive branch systems.

Launched in July 2007, the Regulation Information System is a web-based application that provides a centralized regulation drafting workspace for agencies; allows agencies to submit the regulation text to the Virginia Regulatory Town Hall for executive branch review, if applicable; and allows agencies to file regulations electronically with the Registrar of Regulations. In addition, the Registrar's Office uses the system to prepare and publish the biweekly *Virginia Register of Regulations* and to make improvements to and maintain the Virginia Administrative Code database online with daily updates. Almost 300 state agency personnel are trained, registered RIS users.

RIS was developed in-house by personnel of the Division of Legislative Services and Division of Legislative Automated Systems with no definitive costs; the return on staff time investment includes significant savings in work time and vast improvements in usability, accuracy, and transparency for citizens.

Legislative Role in Virginia's Regulatory Process

Members of the legislature are involved in the regulatory process through various commissions and committees. The **Virginia Code Commission**, staffed by the Division of Legislative Services, appoints a Registrar of Regulations to oversee the (i) central repository for state agency regulations, (ii) publication of the biweekly *Virginia Register of Regulations*, and (iii) compilation of regulations into the Virginia Administrative Code. In addition, the Code Commission monitors the Administrative Process Act (APA) through the Administrative Law Advisory Committee, which studies rulemaking issues.

The **Joint Commission on Administrative Rules (JCAR)** may (i) review existing regulations or the failure of an agency to adopt a regulation and recommend to the Governor and the General Assembly that a regulation be modified, repealed, or adopted and (ii) review regulations during the promulgation or final adoption process and make recommendations to the Governor and General Assembly for action based on its review. JCAR receives copies of economic impact analyses on proposed and fast-track regulations prepared by the Department of Planning and Budget and is notified by agencies when regulations might have an adverse effect on small businesses.

Applicable legislative standing committees or JCAR may (i) object to regulations going through the APA, resulting in a delay in the regulatory process; (ii) suspend the effective date of a regulation with the concurrence of the Governor until the end of the next regular legislative session; and (iii) object to any rulemaking that the Governor has determined to be noncontroversial and is being promulgated through the fast-track rulemaking process, which will require the agency to conduct the rulemaking under the provisions of the APA.

The **Joint Legislative Audit and Review Commission** conducts a periodic review of the exemptions authorized by the APA to assess whether there are any exemptions that should be discontinued or modified.

- Jane D. Chaffin, Registrar of Regulations

Manufacturing Development Commission

8/25/09

The second meeting of the 2009 interim was held at the AREVA NP, Inc. headquarters facility in Lynchburg. The Commission welcomed its newest member, Sean Kerlee of Suffolk, who is employed at International Paper Corp. and is the Southeast Regional Director of the Pulp & Paperworkers' Resource Council.

Presentations

Andy Cook, Sr. Vice President of Sales and Marketing, Kim Stein, Director of Wind Development, AREVA NP, Inc.

AREVA NP, Inc., a U.S. subsidiary of French-based AREVA Group, designs and constructs nuclear power plants and research reactors and their components. Mr. Cook outlined the company's \$50 million of investments in Central Virginia, including a fuel manufacturing facility, service equipment refurbishment facility, pump and motor service center, and technical training center. Mr. Cook noted that AREVA NP has hired more than 300 new employees in each of the past three years.

AREVA's investments in the Commonwealth will expand sharply in the next few years with its development, through a joint venture with Northrop Grumman Shipbuilding, of a \$363.4 million facility for manufacturing equipment and pressure vessels for the nuclear energy industry. The Newport News-based project is expected to create 550 new production and engineering jobs when it becomes operational in 2012.

In addition to manufacturing for the nuclear energy industry, AREVA manufactures offshore wind turbines at a facility in Bremerhaven, Germany. Mr. Stein advised the Commission that the firm has an interest in manufacturing offshore wind turbines in the Commonwealth. The turbines, each capable of generating 500 megawatts, would stand about 450 feet high. A production facility in Virginia, he reported, could generate between 8,000 and 10,000 jobs over a 20-year period.

Offshore Wind Project Development Commission

Senator Wagner presented a draft of a bill creating an Offshore Wind Project Development Commission. This commission would be charged with facilitating and coordinating the development of wind power projects in waters three miles or further off Virginia's coast. The proposed entity would be charged with

applying, on behalf of the Commonwealth, to the federal Minerals Management Service for leases to develop offshore wind energy projects. Guidance is being sought regarding the extent to which this commission would be authorized to assign or sublet its leases to other entities. In addition, the proposed commission would be authorized to seek up to \$4 billion in federal loan guarantees in connection with the development of such projects. The entity would be responsible for ensuring that the development of offshore wind projects does not interfere with naval facilities and operations off the coast of the Commonwealth, and coordinating the connection of electric power generated offshore to the power grid. The chairman touted Virginia's natural and infrastructure advantages as a home to offshore wind projects, and observed that the development of such projects could encourage AREVA to locate a wind turbine manufacturing facility in the Commonwealth.

Staff Report

At the Commission's April 2009 meeting, the chairman suggested that the Commission consider providing for an extended evaluation period during which the rate impact of electric utility legislation could be analyzed. Staff provided members with an overview of the role of the Special Advisory Commission on Mandated Health Insurance Benefits in reviewing proposed legislation. In addition, members were advised of other measures directing the preparation of impact statements for proposed laws, including the authority of standing committee chairmen to request the Joint Legislative Audit and Review Commission (JLARC) to analyze fiscal impact statements; the Administrative Process Act's requirement for an economic impact analysis of proposed regulations; and requirements that introduced bills creating or expanding felonies, increasing unemployment benefits, or affecting the Virginia Retirement System, include a statement of the proposal's impact.

Staff observed that developing a proposal to require that an entity conduct an analysis of the rate impact of bills pertaining to electric utilities would present a number of issues, including:

- Identifying the proper entity to be tasked with conducting the analysis.
- Ensuring that interpretations and methodologies used in preparing rate impact estimates are not binding in rate cases.
- Acknowledging that rate impact estimates are unlikely to be accurate predictors of the rates that would be set by the State Corporation Commission (SCC) in rate cases.
- Limiting the burden of conducting rate estimates for different utilities and classes of customers, and overstated periods of time.

- Defining the types of legislation that would require the rate analysis, or giving standing committee chairmen the authority to request an analysis of specific bills.
- Determining whether an entity to be charged with analyzing the impact of legislation will be limited to quantifying effects on rates, in which case its membership may be limited to persons with expertise in utility accounting and ratemaking procedures, or whether the entity would be charged with conducting a broader policy analysis, in which case a body modeled on the Special Advisory Commission on Mandated Health Insurance Benefits may be more appropriate.

A member remarked that, as an alternative to requiring the preparation of unreliable estimates of the future effects of pending legislation, the Commission should consider requiring JLARC to conduct an analysis of the impact on rates of aspects of electricity legislation, based on the SCC's application of the legislation in rate case proceedings.

Brett Vassey, Virginia Manufacturers Assoc.

Mr. Vassey briefly commented on two education issues. Currently, Virginia is falling short of its stated goal of providing general funds for 30 percent of the cost of noncredit courses taught through the Virginia Community College System (VCCS). He cautioned that it will not be possible to meet workforce training goals over the next decade locally, and that a systemic approach is needed. Mr. Vassey advised that efforts are underway to develop legislation that would provide the VCCS with greater flexibility in the use of state funds.

The second education issue pertains to industry certifications in public school systems. Mr. Vassey noted that his organization supports the use of Pell funds for industry certifications. However, the existing industry certificate approval process often takes several years. He noted the Commission on Youth is

examining the issue, and Mr. Vassey will report at a future meeting on its recommendations.

Alice Scott, Virginia Industry Foundation (VIF)

Ms. Scott updated the Commission on its campaign to improve the image of employment in Virginia's manufacturing sector. She reminded members that the Virginia Manufacturers Association's skilled trade gap analysis predicts that 23 percent of skilled manufacturing employees may be eligible for retirement by the end of 2010. In order to address this looming gap, the "Dream It-Do It Virginia" campaign promotes awareness of career opportunities in advanced technology fields. In addition to image marketing, the campaign includes a free online career resource. The VIF is attempting to expand the campaign by developing partnerships at regional and local levels.

Next Meeting

The Commission plans to convene its next meeting prior to the 2010 Session of the General Assembly. Issues to be addressed at that time include workforce training provided through the VCCS. The next meeting date will be posted on the Commission's website and the General Assembly calendar as soon as information is available.

SENATOR FRANK WAGNER, CHAIR

Frank Munyan and Anne Louise Mason, DLS Staff

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<http://dls.virginia.gov/manufacturing.htm>

Commission Meeting Calendar for October – November '09

<i>Commission Name</i>	<i>Meeting Information</i>	<i>DLS Staff</i>
Commission on Energy and Environment	Tuesday, October 6, 2009 Commission meets in conjunction with the Southern Virginia Bioenergy Conference Conference begins at 9 a.m.; Commission meeting at 3:15 p.m. Institute for Advanced Learning & Research, 150 Slayton Ave. Danville	Ellen Porter Patrick Cushing
Commission on Energy and Environment Renewable Energy Subcommittee	10:00 a.m., Thursday, October 22, 2009 Pittsylvania County Public Library, 207 Coffey Street, Gretna	Ellen Porter Patrick Cushing
Disability Commission	1:00 p.m., Thursday, October 22, 2009 House Room D, General Assembly Building	Sarah Stanton Jessica Eades
Virginia Housing Commission	See website for ongoing meeting information http://dls.virginia.gov/VHC.HTM	Elizabeth Palen

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

REGULATORY ALERT

A CONVENIENT GUIDE TO REGULATORY ACTIVITY IN THE COMMONWEALTH

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

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

TITLE 6. CRIMINAL JUSTICE AND CORRECTIONS DEPARTMENT (BOARD) OF JUVENILE JUSTICE

6VAC35-30. Regulations for State Reimbursement of Local Juvenile Residential Facility Costs (amending 6VAC35-30-10, 6VAC35-30-20, 6VAC35-30-40, 6VAC35-30-60 through 6VAC35-30-190; adding 6VAC35-30-35, 6VAC35-30-45, 6VAC35-30-65; repealing 6VAC35-30-30, 6VAC35-30-50).

Written public comment may be submitted until November 13, 2009.

Summary:

The proposed amendments (i) enumerate phases of the reimbursement process and the responsibilities of each party during these phases; (ii) clarify communication and submission timeframes for acceptance of bids for construction and add language that stipulates the Department of Juvenile Justice's failure to respond to bid information will serve as acceptance of the locality's recommendation; (iii) specify that failure to submit the inspection or progress reports in a timely fashion or failure to obtain approval of a substantive change could constitute grounds to deny reimbursement; (iv) clarify the required components of the final inspection schedule; (v) clarify and add structure to the prescreening step to ensure that all projects subject to the regulation are identified early in the planning process; (vi) incorporate a review of efficiency as one component of the reimbursement process and specify that the board may adjust the costs of construction approved for reimbursement subject to the outcome of that efficiency review and

a needs assessment already in current regulations; (vii) increase the contingency percentage used to calculate estimated construction costs from 3.0% to 10%; (viii) allow for a state-set inflation (deflation) factor to be applied to reimbursements; and (ix) replace a 600 square feet per bed reimbursement cap with a three-tiered cap based on the number of residents.

For more information please contact Janet VanCuyk, Regulatory Coordinator, Department of Juvenile Justice, Richmond, VA, telephone (804) 371-4097, FAX (804) 371-0773, or email janet.vancuyk@djj.virginia.gov.

TITLE 8. EDUCATION STATE BOARD OF EDUCATION

8VAC20-150. Management of the Student's Scholastic Record in the Public Schools of Virginia (repealing 8VAC20-150-10 through 8VAC20-150-30).

8VAC20-180. Regulations Governing School Community Programs (repealing 8VAC20-180-10).

8VAC20-210. Classifications of Expenditures (repealing 8VAC20-210-10).

8VAC20-240. Regulations Governing School Activity Funds (repealing 8VAC20-240-10 through 8VAC20-240-50).

8VAC20-250. Regulations Governing the Testing of Sight and Hearing of Pupils (repealing 8VAC20-250-10).

8VAC20-310. Rules Governing Instructions Concerning Drugs and Substance Abuse (repealing 8VAC20-310-10).

8VAC20-320. Regulations Governing Physical and Health Education (repealing 8VAC20-320-10).

8VAC20-390. Rules Governing Division Superintendent of Schools (repealing 8VAC20-390-10 through 8VAC20-390-110).

8VAC20-410. Regulations Governing Allowable Credit for Teaching Experience (repealing 8VAC20-410-10).

8VAC20-420. Regulations Governing Personnel in Public School Libraries Operated Under Joint Contract Under Control of Local School Board or Boards (repealing 8VAC20-420-10).

8VAC20-460. Regulations Governing Sick Leave Plan for Teachers (repealing 8VAC20-460-10 through 8VAC20-460-60).

8VAC20-490. Regulations Governing School Boards Local (repealing 8VAC20-490-10 through 8VAC20-490-60).

8VAC20-565. Regulations for the Protection of Students As Participants in Human Research (repealing 8VAC20-565-10 through 8VAC20-565-50).

8VAC20-720. Regulations Governing Local Boards and School Divisions (adding 8VAC20-720-10 through 8VAC20-720-170).

A public hearing will be held on November 17, 2009, at 11 a.m. in the James Monroe Building, Richmond, VA. Written public comment may be submitted until November 17, 2009.

Summary:

The Board of Education proposes to consolidate 13 separate chapters into one chapter, Regulations Governing Local School Boards and School Divisions. The 13 current chapters that are repealed as part of this action are (i) Management of the Student's Scholastic Record in the Public Schools of Virginia; (ii) Regulations Governing School Community Programs; (iii) Classification of Expenditures; (iv) Regulations Governing School Activity Funds; (v) Regulations Governing the Testing of Sight and Hearing of Pupils; (vi) Rules Governing Instruction Concerning Drugs and Substance Abuse; (vii) Regulations Governing Physical and Health Education; (viii) Rules Governing Division Superintendent of Schools; (ix) Regulations Governing Allowable Credit for Teaching Experience; (x) Regulations Governing Personnel in Public School Libraries Operated Under Joint Contract Under Control of Local School Board or Boards; (xi) Regulations Governing Sick Leave Plan for Teachers; (xii) Regulations Governing School Boards Local; and (xiii)

Regulations for the Protection of Students as Participants in Human Research. For the most part, requirements in the proposed Regulations Governing Local School Boards and School Divisions are consistent with the requirements in the current 13 chapters. In the process of consolidation a small number of changes are made largely for clarification.

For more information please contact Dr. Margaret N. Roberts, Office of Policy and Communications, Department of Education, Richmond, VA, telephone (804) 225-2540, FAX (804) 225-2524, or email margaret.roberts@doe.virginia.gov.

**TITLE 13. HOUSING
BOARD OF HOUSING AND COMMUNITY
DEVELOPMENT**

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

13VAC5-31. Virginia Amusement Device Regulations (amending 13VAC5-31-20, 13VAC5-31-50, 13VAC5-31-75).

A public hearing will be held on January 25, 2010, at 10 a.m. at the Virginia Housing Development Authority, Glen Allen, VA. Written public comment may be submitted until January 25, 2010.

Summary:

The proposed amendments:

- 1. Move the definition of the term "kiddie ride" to the definitions section;*
- 2. Clarify existing continuing education requirements in conjunction with correlating changes to the Uniform Statewide Building Code;*

3. Conform liability insurance requirements for amusement devices with industry standards and for consistency with language used in prior provisions in the regulation;

4. Correct an error made in a previous regulatory action by reinstating language that specifies that 13VAC5-31-75 F applies only to amusement devices permanently affixed to a site and the requirement for midseason inspection of rides; and

5. Correct an erroneous standard designation from ASTM F628 to ASTM F698.

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

13VAC5-51. Virginia Statewide Fire Prevention Code (amending 13VAC5-51-21, 13VAC5-51-81, 13VAC5-51-85, 13VAC5-51-130, 13VAC5-51-132, 13VAC5-51-133, 13VAC5-51-135, 13VAC5-51-145, 13VAC5-51-150, 13VAC5-51-155; repealing 13VAC5-51-143).

A public hearing will be held on January 25, 2010, at 10 a.m. at the Virginia Housing Development Authority, Glen Allen, VA. Written public comment may be submitted until January 25, 2010.

Summary:

The Virginia Statewide Fire Prevention Code (SFPC) is a regulation governing the maintenance of fire safety features in existing buildings and structures and fire-safety related operations on property. The SFPC incorporates by reference the International Fire Code (IFC), a nationally recognized model code produced by the International Code Council as a companion code to that used under the Virginia Uniform Statewide Building Code (13VAC5-63). Every three years, a new edition of the model code becomes available. At that time, the Board of Housing and Community Development initiates a regulatory action to incorporate the newer edition of the model code into the regulation through a proposed regulation. Specific changes in the proposed regulation are:

1. 13VAC5-51-21 E and H: Changes made due to the new chapter numbering in the 2009 edition of the IFC, which is the new edition of the IFC being incorporated into the SFPC and to a provision in the USBC that is being renumbered in a correlating regulatory amendment action.

2. 13VAC5-51-31: Updates the reference to the IFC from the 2006 to the 2009 edition, which is the new nationally recognized model code used in the SFPC.

3. 13VAC5-51-81: Changes fee provisions to match state law in accordance with § 27-97 of the Code of Virginia. As the catchline was formerly entitled only "Permits," there was confusion over whether separate fees could be charged for appeals even though state law clearly provides for such separate fees.

4. 13VAC5-51-85: Deletes the requirements for construction permits and retains the requirements for operational permits. The construction permit requirements were inserted under a prior regulatory action in an attempt to correlate with when permits are needed under the USBC to assist persons enforcing the SFPC in existing buildings when discovering work that needed a permit under the USBC, so that the local building department responsible for enforcement of the USBC could be notified. The requirement is being removed as the permit requirements of the USBC change frequently thus making amendments to this regulation necessary to remain consistent with the USBC.

5. 13VAC5-51-130 A and C: Changes subsection A to correlate with the same definition in the USBC and moves the group classifications from a parenthetical reference to the text of the definition. The change to subsection C deletes the definition of the term "canopy" to correlate with changes made to the IFC to eliminate the need for the definition. Canopies are now regulated under the USBC and only tents are regulated under the SFPC.

6. 13VAC5-51-132, 13VAC5-51-133, and 13VAC5-51-135: Changes to match the new numbering in the 2009 edition of the IFC.

7. 13VAC5-51-143: Repealed because there were amendments to the 2006 edition of the IFC that are now incorporated into the 2009 IFC, thereby making the changes to the IFC unnecessary.

8. 13VAC5-51-145, 13VAC5-51-150, and 13VAC5-51-155: Changes to correlate with changes in the IFC from the 2006 to the 2009 edition; no substantive changes are made.

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

13VAC5-63. Virginia Uniform Statewide Building Code (amending 13VAC5-63-10, 13VAC5-63-20, 13VAC5-63-30, 13VAC5-63-50, 13VAC5-63-60, 13VAC5-63-70, 13VAC5-63-150, 13VAC5-63-190, 13VAC5-63-200, 13VAC5-63-210, 13VAC5-63-220, 13VAC5-63-230, 13VAC5-63-240, 13VAC5-63-245, 13VAC5-63-250, 13VAC5-63-267, 13VAC5-63-290, 13VAC5-63-300, 13VAC5-63-310, 13VAC5-63-320, 13VAC5-63-330, 13VAC5-63-350, 13VAC5-63-360, 13VAC5-63-400, 13VAC5-63-434, 13VAC5-63-440, 13VAC5-63-450, 13VAC5-63-480, 13VAC5-63-500, 13VAC5-63-520, 13VAC5-63-530, 13VAC5-63-540; repealing 13VAC5-63-436, 13VAC5-63-437).

A public hearing will be held on January 25, 2010, at 10 a.m. at the Virginia Housing Development Authority, Glen Allen, VA. Written public comments may be submitted until January 25, 2010.

Background:

The Virginia Uniform Statewide Building Code (USBC) governs the construction, maintenance, and rehabilitation of new and existing building and structures. The USBC uses nationally recognized model building codes and standards produced by the International Code Council and other standard-writing groups as the basis for the technical provisions of the regulation. Every three years, new editions of the model codes become available. At that time, the Board of Housing and Community Development initiates a regulatory action to incorporate the newest editions of the model codes into the regulation through the publishing of a proposed regulation. Those affected by the regulation then review the proposed regulation to assure that the newest model codes and standards reflect the minimum requirements necessary for buildings and structures. After the publishing of the proposed regulation, the board establishes a comment period for the acceptance of code change proposals to modify the model codes or standards or any provisions of the entire regulation. Code change proposals are assimilated into a compilation document containing a staff evaluation of each proposal and the compilation document is reviewed by client groups during a second comment period and additional comment on each proposal is accepted. A public hearing is also held. The board then considers all comments on all proposals and develops a final regulation to complete the regulatory process.

Summary:

The proposed amendments (i) incorporate the newest editions of the nationally recognized model codes and

standards into the regulation; (ii) make general clarifications and correlation changes to conform to statutory language, coordinate the application of the regulations with the other building and fire regulations of the board, and remove provisions in the existing USBC that have been successfully added to the latest model codes through the code changes process of the model code organization, thus eliminating the need for those changes in the USBC; (iii) update exemptions from the USBC; (iv) provide that no change shall be made in the existing occupancy classification of any structure when the current USBC requires a greater degree of accessibility; (v) clarify that handrail and guardrail configuration and height on a reconstructed deck are excluded from the requirement that reconstructed decks must meet the current code provisions for structural loading, connections, and structural attachment; (vi) require state enforcement personnel to comply with certification, periodic maintenance training, and continuing education requirements; (vii) clarify continuing education requirements; (viii) clarify that the limitations of authority by the local government on the building official are not applicable to the third-party inspector policy nor do such limitations have the effect of altering the provisions of the code or creating building regulations; (ix) require that the local board of building code appeals must meet at least once annually, appoint officers, and receive training on the code as appropriate or necessary; (x) require that a townhouse be separated from adjacent townhouses by a common two-hour wall assembly; (xi) require standards for optional sprinkler systems; (xii) add new requirements to the 2009 IBC for exiting from stages; (xiii) add elevator machine rooms and elevator machine spaces to the list of exempt locations for automatic sprinklers; (xiv) change an existing requirement for the residual pressure in standpipe fire-fighting systems to be less when a sprinkler system is installed to include sprinkler systems for small residential buildings; (xv) add language to the IBC to exempt raised areas used for religious purposes from the necessity of having to provide wheelchair access; (xvi) change the language in the 2009 IBC regarding the construction of elevator rooms to include rooms housing elevator controllers in the exceptions to permit the reduction in fire rating for the walls of such rooms; (xvii) add a requirement to the 2009 IBC for accessibility for persons with disabilities to be consistent with the Americans with Disabilities Act; (xviii) add a requirement to the International Property Maintenance Code (IPMC) for the service and maintenance of grease interceptor,

grease traps, and automatic grease removal devices; and (xix) change the criteria in the IPMC for inspecting water damaged electrical equipment to permit a certified electrician to evaluate the safety of the equipment.

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

13VAC5-91. Virginia Industrialized Building Safety Regulations (amending 13VAC5-91-10, 13VAC5-91-20, 13VAC5-91-40, 13VAC5-91-50, 13VAC5-91-60, 13VAC5-91-70, 13VAC5-91-100, 13VAC5-91-120, 13VAC5-91-160, 13VAC5-91-200, 13VAC5-91-210, 13VAC5-91-245, 13VAC5-91-260).

A public hearing will be held January 25, 2010, at 10 a.m. at the Virginia Housing Development Authority, Glen Allen, VA. Written public comments may be submitted until January 25, 2010.

Summary:

The proposed amendments are general clarification and correlation changes that are proposed to more closely match legislative language and to coordinate the application of the regulations with the other building and fire regulations of the board. The proposed amendments (i) conform the regulations with statutory provisions and updated industry standards; (ii) coordinate the application of the regulations with the other building and fire regulations of the board; (iii) exempt shipping containers and portable on demand storage (PODS) containers from the regulations; (iv) allow the department to perform inspection of manufacturing facilities and at building sites during reasonable hours and issue inspection reports for correction of violations caused by the manufacturer; (v) more succinctly delineate the responsibilities of the local building official under these regulations, and clarify that site work associated with the installation of an industrialized building is subject to the Uniform Statewide Building Code and not this regulation; (vi) clarify that signs identifying unregistered industrialized buildings on sales lots are not necessary for accessory shed-type buildings; (vii) establish a methodology for a compliance assurance agency to use in evaluating an existing unregistered building for registering the building without unnecessary disassembly, and clarify that this methodology may only be used when the date of manufacture is known;

(viii) update the ASTM E541-01 Standard to the E541-08 Standard for Agencies Engaged in System Analysis and Compliance Assurance for Manufactured Building, and add the option for inspection personnel of obtaining a DHCD or ICC certification in the appropriate subject area in lieu of complying with the ASTM E541 Standard when conducting compliance assurance inspection; (ix) require a label on each manufactured section or module of a registered industrialized building in conjunction with a new fee structure to be charged to each module or section; (x) revise the list of information required on permanent manufacturer's date plat; and (xi) update seal requirements to include one for each section or module and change the fees to reflect the change in seal requirements, and give the option of either placing a seal on each section or module or all of the modules or sections in one location in the completed building and submitting fees by electronic means.

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

VIRGINIA MANUFACTURED HOUSING BOARD

13VAC6-20. Manufactured Housing Licensing and Transaction Recovery Fund Regulations (amending 13VAC6-20-10, 13VAC6-20-20, 13VAC6-20-30, 13VAC6-20-50, 13VAC6-20-60, 13VAC6-20-80, 13VAC6-20-90, 13VAC6-20-100, 13VAC6-20-120, 13VAC6-20-130, 13VAC6-20-140, 13VAC6-20-170, 13VAC6-20-180, 13VAC6-20-190, 13VAC6-20-200, 13VAC6-20-350, 13VAC6-20-460; adding 13VAC6-20-201, 13VAC6-20-202, 13VAC6-20-203, 13VAC6-20-204; repealing 13VAC6-20-250).

Written public comment may be submitted until November 4, 2009.

Summary:

The proposed amendments:

- 1. Add several definitions to clarify regulatory text;*
- 2. Specify that board notices and correspondence will be sent to a licensee's last known address of record;*
- 3. Modify the time frame in which regulated entities may renew their licenses and add a reinstatement period for licensees that fail to renew in a timely manner;*
- 4. Increase all licensure fees;*

5. Increase the inspection fee that is collected by the Department of Motor Vehicles from \$10 to \$30;

6. Reduce the number of new manufactured homes that an unlicensed individual may sell in a 12-month period; and

7. Prohibit regulated entities whose licenses have been revoked, or not renewed for cause, from being licensed under a different name.

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

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING BOARD FOR CONTRACTORS

18VAC50-22. Board for Contractors Regulations (amending 18VAC50-22-10 through 18VAC50-22-70, 18VAC50-22-210, 18VAC50-22-230, 18VAC50-22-260).

A public hearing will be held on October 1, 2009, at 10 a.m. at the Department of Professional and Occupational Regulation, Richmond, VA. Written public comments may be submitted until November 13, 2009.

Summary:

The Board of Contractors proposes to amend its regulations to account for several statutory changes, clarify current requirements, and respond to changes in affected industries. Specifically, the proposed amendments:

1. Separate the current manufactured/modular home contractor specialty license into two licenses: one for manufactured home contractors and one for industrial building (modular home) contractors;
2. Require applicants for a specialty classification to pass a qualifying exam;
3. Increase the net worth or equity that firms must prove to qualify for licensure as Class B or Class A contractors;
4. Amend the requirements for licensure by reciprocity to allow individuals to gain licensure in Virginia if they were originally licensed in a state with licensure eligibility criteria that are substantially equivalent to Virginia; and

5. Require legal business entities that dissolve and reform under another business name to return their old, invalid, license to the board within 30 days of the change.

For more information please contact Eric L. Olson, Executive Director, Board for Contractors, Richmond, VA, telephone (804) 367-2785, FAX (804) 527-4401, or email contractors@dpor.virginia.gov.

18VAC50-30. Individual License and Certification Regulations (amending 18VAC50-30-10, 18VAC50-30-40, 18VAC50-30-120, 18VAC50-30-185, 18VAC50-30-190; adding 18VAC50-30-75; repealing 18VAC50-30-110).

Written public comment may be submitted until November 13, 2009.

Summary:

The Board for Contractors proposes to amend its current regulations to clarify provisions of the current regulations and respond to changes in the industry and requests from current licensees. With the exception of regulations promulgated due to the statutory implementation of the Certified Elevator Mechanic program and the Certified Water Well System Provider program, the last nonfee related regulatory change was made in 2003.

The most substantive change is the creation of an inactive license status for tradesmen. Other changes include the deletion of language that is duplicated in the Code of Virginia, clarification of some sections, and the elimination of the fee for duplicate copies of a license.

For more information please contact Eric L. Olson, Executive Director, Board for Contractors, Richmond, VA, telephone (804) 367-2785, FAX (804) 527-4401, or email contractors@dpor.virginia.gov.

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