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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.

Commission on Unemployment Compensation

August 20, 2012

The Commission on Unemployment Compensation is charged with evaluating the impact of legislation on unemployment compensation and the Unemployment Trust Fund, assessing the Commonwealth's unemployment compensation program, and monitoring the current status and long-term projections for the Trust Fund.

Unemployment Trust Fund

Virginia's Unemployment Trust Fund (Trust Fund) is used to pay unemployment benefits to claimants.

Year Ending Trust Fund Balance

6/30/12	\$122 million
6/30/11	(\$80 million)

The improvement in the trust fund's balance is attributable in part to increased state unemployment tax revenue (from \$702.2 million to \$785.2 million) and decreased benefit payments (from \$630.9 million to \$605.4 million).

The solvency level of the Trust Fund is calculated by dividing its balance on June 30 by an amount, determined in accordance with a statutory formula, that represents an adequate balance.

Year Ending Solvency Level

6/30/09	24 percent
6/30/10	(8) percent
6/30/11	(6.1) percent
6/30/12	8.3 percent
6/30/13	25 percent (est.)
6/30/14	48 percent (est.)
6/30/15	68 percent (est.)
6/30/16	78 percent (est.)

In 2016, the Trust Fund's balance is estimated to exceed \$1.35 billion. Reaching a solvency level that exceeds 50 percent will suspend, starting with the next calendar year, the imposition of the fund builder tax. The fund builder tax is assessed at the rate of 0.2 percent of the first \$8,000 of each employee's wages.

The low level of solvency of the Trust Fund automatically increases the state unemployment tax (SUTA) rate assessed on employers. The program's counter-cyclical funding formula links higher tax rates to low Trust Fund solvency rates. The average annual state unemployment tax per employee assessed on employers in Virginia, exclusive of the federal unemployment tax (FUTA) assessment but including the pool tax and fund builder tax, has risen from \$103 in 2009 to \$166 in 2010, \$215 in 2011, and to \$232 this year. The average pool tax assessment per employee is expected to peak this year at \$42.40 and fall to \$30.40 in 2013.

Virginia began borrowing funds from the federal government in October 2009 in order to pay benefits when the Trust Fund was depleted. As of December 31, 2011, the loan balance was \$276.2 million. A FUTA credit reduction payment of \$63 million and a payment from state unemployment tax collections of \$352 million were used to repay the principal on the federal loans in full earlier this year. However, Virginia Employment Commission (VEC) Commissioner John Broadway announced that Virginia is expected to borrow an additional \$175 million between October 2012 and April 2013.

States that borrow from the federal government are required to pay interest on the loans. Interest payments cannot be paid from the Trust Fund or federal grants. Such payments may be made from general fund appropriations or the VEC's Penalty and Interest Fund. Virginia paid \$8.8 million in interest in September 2011, and is scheduled to pay \$5.8 million in interest in September 2012.

The Commission on Unemployment Compensation was advised of a report that suggested that the implementation of sequestration could cost Virginia over 200,000 jobs.

Failing to repay the borrowed federal funds within two years has triggered the loss of 0.3 percent of the 5.4 percent credit against an employer's FUTA liability. The automatic reduction in the FUTA credit increased an employer's annual FUTA liability for each employee by \$21, from \$56 to \$77. The revenue generated from the partial loss of the FUTA tax credit has been applied to the federal loan balance.

If the estimated \$175 million required to fund benefit payments between October 2012 and April 2013 is borrowed from the federal government, the loss in the FUTA credit would jump from \$21 to \$42 per employee, thereby causing an employer's annual FUTA liability for each employee to increase to \$98. In order to avoid requirements that employers pay the higher FUTA taxes and that the state pay interest on borrowed federal funds, which currently is assessed at a rate of 2.94 percent, Commissioner Broadway announced that the VEC is exploring the option of borrowing up to \$175 million from the state treasury. A decision regarding using a treasury loan to cover the Trust Fund shortfall is expected in September.

If the federal government is unable to reach an agreement to avoid the automatic sequestration provisions of the Budget Control Act of 2011, the nation faces \$1.2 trillion of cuts in federal spending, divided between defense and other programs, starting in January 2013. The Commission was advised of a report that the implementation of sequestration could cost Virginia over 200,000 jobs. Members questioned the potential implications of the scheduled sequestration on unemployment, benefit payments, and the need for additional loans.

Employment Data

The Commonwealth's unemployment rate peaked in January 2010 at 7.8 percent, the highest rate since February 1983. In 2012, Virginia's monthly unemployment rates have averaged about 8 percent lower than rates for the same months in 2011. Commissioner Broadway reported that the Commonwealth's seasonally adjusted unemployment rate for July 2012 was 5.9 percent. While this represented an increase of 0.2 percentage point from June 2012, it was 0.5 percentage point below the rate in July 2011. The corresponding national rate in July 2012 was 8.3 percent, which was up 0.1 percentage point from the prior month.

The number of initial claims for unemployment benefits for the first six months of 2012 is 183,302; the corresponding figure for the first six months of 2011 was 194,731. First payments of unemployment insurance benefits from January through June 2012 are higher by 2.4 percent from the corresponding period in 2011. The average duration of receipt of unemployment benefits was 16 weeks in July 2012; for the same month in 2011, the average duration was 16.1 weeks. Final payments of benefits in the first six months of 2012 are down 4.2 percent from the same period in 2011. The exhaustion rate, which reflects the percentage of unemployment compensation recipients who use up all of the weeks of regular unemployment benefits for which they are eligible, was up by 16.8 percent between 2011 and 2012, from 45.8 percent to 53.5 percent.

Virginia's maximum weekly unemployment benefit is \$378; the national average is \$407. The maximum weekly benefit reflects a weekly benefit replacement rate of 40 percent of the state's average weekly wage.

2012 Legislation

Staff provided the Commission with an overview of legislation pertaining to unemployment compensation that was introduced during the 2012 Session. The following bills were enacted by the General Assembly:

- House Bill 452 authorizes the VEC, with the consent of all parties who participated in the hearing, to provide a digital or other electronic recording of the testimony taken at any hearing before a deputy, appeal tribunal, or the VEC.
- House Bill 1062 and Senate Bill 295 provide that the Office of the Attorney General may represent the interests of the Commonwealth in hearings conducted before the VEC regarding an employer's tax liability.
- Senate Bill 54 postpones until July 2014 the scheduled increase, from \$2,700 to \$3,000, in the minimum amount of wages employees must have earned in the two highest earnings quarters of their base period in order to be eligible for unemployment benefits.
- Senate Bill 248 allows all employers of domestic service individuals in the private home of the employer to pay unemployment taxes and file reports annually; currently, such an employer must make such payments and filings quarterly if the quarterly payroll exceeds \$5,000.

In addition, Item 124 D of the 2012-2014 Appropriations Act, enacted in 2012 Special Session I, authorizes the VEC to make an interest payment, estimated at \$6.7 million by September 30, 2012, to the federal government for interest owed on loans from the Federal Unemployment Account to make unemployment benefit payments. The payment is to be made from available nongeneral fund balances in the VEC's Penalty and Interest Fund.

The following four bills were carried over to the 2013 Session:

- Senate Bill 376 and House Bill 835 would have established a shared work program. When the Senate bill was carried over in the Senate Commerce and Labor Committee, the motion included a request that the matter be looked at by the Commission on Unemployment Compensation.
- House Bill 219 would have established a volunteer service requirement for receipt of unemployment benefits of at least 24 hours per week of volunteer service with a nonprofit charitable organization.
- House Bill 1254 would have provided that an individual is not eligible for unemployment benefits based on services consisting of performing or training with a symphony orchestra during periods between successive orchestra seasons when there is a reasonable assurance that the individual will perform in the ensuing season.

Finally, the Commission was briefed on the following four bills that failed to report during the 2012 Session:

- House Bill 148 would have required each applicant for unemployment benefits, as a condition of eligibility, to provide the VEC with the results of a drug test that is negative for the use of a nonprescribed, controlled substance.
- House Bill 562 would have provided that an unemployed individual is not eligible to receive unemployment benefits until he has been screened to determine if probable cause exists to believe the individual is engaged in the use of nonprescribed, controlled substances and, if reasonable cause is found, a formal substance abuse assessment of the individual is conducted.
- Senate Bill 69 would have made eligibility for unemployment benefits contingent upon the claimant's performance of at least 24 hours per week of volunteer service with a nonprofit charitable organization.
- Senate Bill 319 would have included a drug screening requirement similar to that in House

Bill 562 and made numerous other amendments to provisions applicable to drug testing of unemployed individuals.

Senate Joint Resolution 16: Compliance with TAAEA

Senate Joint Resolution 16 of the 2012 Session directs the Commission to study requirements of the federal Trade Adjustment Assistance Extension Act of 2011 (TAAEA). The TAAEA, enacted on October 21, 2011, includes provisions that seek to improve the integrity of the state unemployment compensation programs. In its study, the Commission is directed to (i) recommend appropriate revisions to Title 60.2 of the *Code of Virginia* to ensure conformity of the Commonwealth's program with applicable federal law; (ii) ascertain the effects of such changes on the unemployment trust fund, employers, and claimants; and (iii) consider input from relevant stakeholders. The Commission is to complete its work prior to the 2013 Session.

The portions of the TAAEA that underlay SJR 16 are sections 251, 252, and 253 of Part I of Subtitle C. Section 251 requires each state to enact legislation providing that it will assess a penalty of not less than 15 percent of the amount of an erroneous payment when the payment is made to an individual due to fraud committed by such individual. States are required immediately to deposit receipts of the federally mandated penalties into the state's unemployment fund.

Section 252 is intended to address the situation where an employer initially disregards a request from the state unemployment agency for information about a claim, and as a result benefits are initially awarded, though later it is determined that the claimant was ineligible for the benefits. In such a case, the employer's account may not be charged with the benefits paid to the claimant because the payment was improper. Section 252 attempts to encourage employers to respond to the initial request for information, thereby avoiding the improper payment, by prohibiting states from not charging an employer's unemployment compensation account when benefits are improperly paid to a claimant if two conditions are met. First, the payment must have been made because the employer or its agent was at fault for failing to timely respond to a state agency request for information regarding a claim. Second, the employer must have established a pattern of failing to timely or adequately respond to such

The federal Trade Adjustment Assistance Extension Act of 2011 includes provisions that seek to improve the integrity of state unemployment compensation programs.

requests. A pattern of failure to timely or adequately respond means two or more instances of such behavior by the employer or an agent of the employer, though the federal law allows states to impose stricter standards limiting the relief from charges.

Section 253 amends the Social Security Act to require each employer to report to a state directory of new hires certain information on employees whom the employer has rehired after at least a 60-day separation. This section is expected to enhance a state's ability to detect and prevent overpayments when states conduct cross-matches with its state directory of new hires. This provision expands the scope of individuals reported to the state directory of new hires by specifically defining a "newly hired employee" as an employee who "has not previously been employed by the employer" or "was previously employed by the employer but has been separated from such prior employment for at least 60 consecutive days." The Virginia New Hire Reporting Center is operated under the authority of the Division of Child Support Enforcement of the Department of Social Services. Currently, employing units are required to report the initial employment of any person within 20 days of their employment. The federal Department of Health and Human Services has notified the Division that the Virginia statute does not comply with Section 253 of the TAAEA, and the agency, with the Office of the Attorney General, is developing an amendment to bring Virginia's statute into conformity. The Commission encourages these agencies to work with the Commission and the VEC in coordinating the necessary amendments.

Work Share Program

Senator George Barker, patron of Senate Bill 376, advised the Commission that if they are interested in pursuing work share legislation, now is a good time to do so. His comment is based on provisions of the federal Middle Class Tax Relief and Job Creation Act, enacted in February 2012, that makes states that enact work sharing laws eligible for federal reimbursement of all work sharing benefit costs for three years, plus planning and implementation grants.

Work sharing programs, also referred to as short-time compensation programs, give employers an alternative to laying off employees. Employees whose positions are eliminated during economic slowdowns are

currently eligible for full unemployment benefits. Work sharing programs offer an alternative to eliminating some employment positions entirely. Such programs allow an employer to reduce the hours of all employees while allowing the employees whose hours are reduced to receive reduced unemployment compensation benefits to partially offset the reduction in wages. Employees receive a prorated share of the unemployment benefits they would have received if totally unemployed, and will meet the work availability and job search requirements if they are available for their work week as required. The employer may not reduce health and retirements benefits due to participation in the work sharing program.

Advocates see the program as offering a way for employers to retain trained staff while improving employee morale. Senator Barker conceded that data shows that work share programs increase unemployment program costs because employers that may have kept employees on the payroll during slow times would have an incentive to reduce the hours of work for employees. He cited data indicating that the additional cost may be as large as one percent, though data from Maryland shows an additional cost of 0.2 percent.

Another issue relates to whether the program's costs would be shifted from the participating employer (through their experience rating) to all employers (through pool charges). He cited data indicating that in Virginia during most of the next eight years the costs would be charged to the participating employers through higher experience ratings.

David Balducci of Social Action Linking Together noted that 24 states and the District of Columbia have adopted work share programs. He noted that the 2012 federal legislation provides that states have the option of whether to adopt enabling laws, and if they do, the participation by employers will also be voluntary. The federal bill directs the Labor Department to prepare model legislation for states that wish to enact enabling laws; to date, this has not been completed. Mr. Balducci estimated that the federal reimbursement of work sharing benefits costs could save the Commonwealth \$14.5 million, and Virginia's share of planning and implementation grants could reach \$2.7 million.

Commissioner Broadway noted that while the administration has not taken a position on the program, the VEC could absorb the estimated 2.5 positions required to oversee the program. He said he would attempt to verify

the statistics cited by Senator Barker and to provide information about the program's fiscal impact, in light of the available federal funding, in a simplified format.

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

Next Meeting

The chair requested staff, the VEC, and other interested groups to develop draft legislation to meet the requirements of the TAAEA and share it with stakeholders. In addition, the impact of the model legislation on work share programs, when released by the Labor Department, should be reviewed.

In addition, the chair noted that the Commission will be briefed at its next meeting on the need to amend § 60.2-633 of the Unemployment Compensation Act to address § 2103 of the Middle Class Tax Relief and Job Creation Act. This provision requires states to collect overpayments of benefits from federal programs and programs of other states through offsets against payments of unemployment benefits. The next meeting will also include a review of the potential implications of the study by the Joint Legislative Audit and Review Commission on the misclassification of employees as independent contractors. Finally, the Commission may conduct an election of officers at its next meeting.

COMMISSION ON UNEMPLOYMENT COMPENSATION

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*Twenty-four states and
the District of
Columbia have
adopted work share
programs.*

Other Legislative Commissions

The following are other legislative commissions that hold regular meetings during the interim. Visit their websites to obtain full information regarding their meeting dates, agendas, and summaries.

Joint Legislative Audit and Review Commission

<http://jlarc.virginia.gov/meetings.html>

Virginia State Crime Commission

<http://vscc.virginia.gov/meetings.asp>

Joint Commission on Health Care

<http://jchc.state.va.us/meetings.asp>

Virginia Commission on Youth

<http://coy.state.va.us/meetings.asp>

Virginia Code Commission

August 20, 2012

Senator Edwards introduced and welcomed new Virginia Code Commission (Commission) member Christopher R. Nolen, who will also continue to serve as the chair of the Administrative Law Advisory Committee through 2012. Judge West is no longer a member due to her acceptance of a position in the Attorney General's Office.

The Virginia Code Commission heard information regarding the Title 33.1 recodification.

Virginia Administrative Code

Contract

The Commission met in closed session pursuant to §§ 2.2-3711 A 29 and 30-147 B of the *Code of Virginia* to discuss the Thomson Reuters - West (West) contract proposal for publishing the print edition of the *Virginia Administrative Code* (VAC). Although West is unable to continue with the existing contract for publishing the print edition of the VAC without significant changes, West offered to extend the contract for a few months to provide the Commission an opportunity to make a decision on how it wishes to proceed. The Commission accepted West's offer and extended the existing contract with West until April 2013 under the same terms and conditions of the existing contract. The chair appointed Mr. Miller, Mr. Nolen, and Mr. Tavenner to serve on a subcommittee to arrange for the contract extension stated in the earlier motion and to consider the West proposal and develop options and recommendations for contracting for a print edition of the VAC.

Recompilation

The need to recompile certain volumes of the VAC was explained with the recommendation that Volumes 6, 7, and 8 be recompiled into four volumes. The Commission approved the recompilation, which will be handled under the terms of the existing contract.

Administrative Law Advisory Committee

The Commission approved Mr. Nolen's request to reappoint Elizabeth Andrews, Karen Perrine, Mike Quinan, and himself and appoint Jeffrey Gore to the Administrative Law Advisory Committee (ALAC). Mr. Nolen indicated that Phyllis Errico and Angela Bower had resigned from ALAC.

Title 33.1 Recodification

Nicole Brenner and Alan Wambold, Division of Legislative Services

Nicole Brenner and Alan Wambold presented several issues for the Commission's consideration related to the Title 33.1 recodification. Ms. Brenner reviewed the issue of mailing provisions in Title 33.1. She recommended addressing the nine provisions on a case-by-case basis and keeping the provisions consistent with statutory provisions enacted in 2011 that provided an alternative method for state agencies and local governments to give notice by mail (§§ 1-206 B and 15.2-107.2 of the *Code of Virginia*). Ms. Brenner advised that she will contact the appropriate state agencies to determine what type of mailing is needed.

Ms. Brenner reviewed the pros and cons of moving the statutory provisions regarding the Department of Aviation, the Virginia Port Authority, and the Virginia Commercial Space Flight Authority into new Title 33.2. Staff advised against moving these provisions into the new Title 33.2 and advised that the Department of Aviation wishes to remain in Title 5.1. After discussion, the Commission decided against moving Aviation, Port Authority, and Commercial Space Flight Authority provisions into Title 33.2. However, staff will review the related provisions to determine if any particular sections should be moved into Title 33.2.

Mr. Wambold advised that a draft will be reviewed with the work group and then brought to the Commission's next meeting.

Next Meeting

The Commission also met on September 17, 2012, at 10 a.m. The next meeting of the Commission will be on October 3, 2012.

VIRGINIA CODE COMMISSION

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Virginia Disability Commission

August 22, 2012

Vice chair Brenda Pogge opened the meeting by noting that she would continue to chair the Commission until the Senate appointed a new member. After introductions, the Commission recognized Jim Rothrock, Commissioner of the Department for Aging and Rehabilitative Services. Commissioner Rothrock presented Delegate Orrock with a painting in recognition of the delegate's service to the Disability Commission as both a member and as chair. The Commission echoed Commissioner Rothrock's statements.

Virginia Commonwealth University Rehabilitation Research and Training Center

Dr. Paul Wehman, VCU Rehabilitation Research and Training Center

Dr. Wehman gave an overview of the Virginia Commonwealth University (VCU) Rehabilitation Research and Training Center, the Autism Center for Excellence, and related VCU projects that work to help individuals with disabilities in the Commonwealth.

The Virginia Commonwealth University Rehabilitation Research and Training Center provides resources for professionals and individuals with disabilities and their representatives. Its main areas of focus include autism spectrum disorder (ASD), supported employment, transition from school to work, postsecondary education, and traumatic brain injury. The Training Center works to promote research, education, physical medicine and rehabilitation services, and clinical care for America's veterans, children, and adults with disabilities.

The Virginia Commonwealth University Autism Center for Excellence works to build statewide capacity to improve outcomes of individuals with ASD by improving the knowledge, skills, and understanding of families, educators, and professionals who support someone with a spectrum disorder. The Autism Center is funded primarily by the Virginia Department of Education with some support from the Department of Behavioral Health and Developmental Services.

The Paraprofessionals in Autism Resource and Advancement Project works to enhance

paraprofessionals' knowledge of the characteristics and learning needs of students with ASD. It helps build skills related to implementing teacher-directed instruction and behavioral support strategies and assists local educational agencies in providing teachers and administrators with guidance on the supervisory relationship with paraprofessionals.

Business Connections is an initiative that works with the Virginia Department for Aging and Rehabilitative Services to provide high-quality services not only to people with disabilities but also to community corporate partners. Business Connections operates three model Project SEARCH sites in the greater Richmond area. Project SEARCH is an internship program for students with significant disabilities immersed in a local business. Students rotate through three 10-week internships at the local business over a school calendar year with the goal of full-time employment. Participants include Bon Secours St. Mary's Hospital, Bon Secours St. Frances Hospital, and Virginia Commonwealth University Health Systems.

Dr. Wehman then answered questions from the Commission, which can be viewed in their entirety on the Commission's website.

Virginia Collaborative for College

Jack Brandt, Partnership for People with Disabilities

Liz Getzel, Partnership for People with Disabilities and the Rehabilitation Research and Training Center, Virginia Commonwealth University

Mr. Brandt and Ms. Getzel gave a presentation on expanding college and career readiness options for individuals with significant disabilities. The purpose of the Virginia Collaborative for College (Collaborative) is to help individuals with significant intellectual and developmental disabilities to have inclusive, individualized, and authentic postsecondary experiences that lead to successful career and life paths.

Mr. Brandt and Ms. Getzel indicated to the Commission that a growing number of students with significant disabilities are seeking higher education options, and that those students still lack access to postsecondary education. Research has shown that individuals with significant disabilities that have access to postsecondary education are better equipped to obtain and maintain employment, to earn more

The Virginia Commonwealth University Rehabilitation Research and Training Center provides resources to help professionals and individuals with disabilities and their representatives.

Interveners for children with deaf-blindness are trained paraprofessionals with specialized skill in deaf-blindness.

over their careers, and to create pathways for lifelong independence.

The Higher Education Opportunity Act of 2008 (Act) initiated funding for projects across the United States. The Act requires integration of students with significant disabilities and provides supports for those students. In 2010 Virginia Commonwealth University got a grant to pilot such a program. There are 169 programs nationwide, the majority of which are housed in four-year colleges. In 2009, by comparison, there were five programs that served students with significant disabilities.

There still remain barriers to increasing access in Virginia. The Collaborative requests that the Commission lead a committee with statewide representation of stakeholders to discuss the participation of students with significant disabilities in Virginia colleges and universities. The Commission recommended that this request be referred to its Education and Employment Work Group.

Deaf-Blind Educational Supports for Students

Dr. Julie Durando, Virginia Project for Children and Young Adults with Deaf-Blindness, Virginia Commonwealth University

Dr. Durando gave a presentation on the need for interveners for children with deaf-blindness. Interveners are trained paraprofessionals with specialized skill in deaf-blindness. They work consistently, one-on-one, with a child who is deaf-blind. They provide the child access to the information typically gained through vision and hearing and they communicate to the child using the child's preferred mode, such as touch cues, sign language, or verbal speech. There are up to 147 children in the Commonwealth who might benefit from the services of an intervener.

According to the National Consortium on Deaf-Blindness initiative, there is a widespread lack of awareness of the role of interveners. There are not enough trained interveners, and only a small percentage of children who are deaf-blind receive intervener services. Dr. Durando recounted the story of one child, Ashley, who was only able to make progress when she had access to an intervener.

Interveners are not recognized or defined by the Regulations Governing Special Education Programs for Children with Disabilities in Virginia. Many educators and administrators are unfamiliar with interveners, and Individualized Education Program teams struggle to define the

role of an intervener. Dr. Durando and the organizations she represents recommend that through a collaborative effort, Virginia explore solutions to resolve the current issues preventing the recognition of an intervener as a related service provider.

U.S. Department of Justice Settlement Agreement

Heidi Dix, Department of Behavioral Health and Developmental Services

Ms. Dix updated the Commission on the Department of Behavioral Health and Developmental Services (DBHDS) implementation of the settlement agreement between the Commonwealth and the Department of Justice (DOJ). In 2008, the DOJ began an investigation into the Central Virginia Training Center pursuant to the Civil Rights of Institutionalized Persons Act. The DOJ expanded its investigation to include Virginia's compliance with the Americans with Disabilities Act and the United States Supreme Court's *Olmstead* decision. In February 2011, the DOJ concluded that Virginia fails to provide services in the most integrated setting appropriate to individuals' needs. Virginia entered into settlement negotiations with the DOJ in March 2011 and reached an agreement in January 2012.

The agreement states that "[t]o prevent the unnecessary institutionalization of individuals with ID/DD [Intellectual Disability/Developmental Disability] and to provide them opportunities to live in the most integrated settings appropriate to their needs consistent with their informed choice, the Commonwealth shall develop and provide the community services described...."

Individuals with ID/DD who currently reside at any of Virginia's five training centers, individuals who meet the criteria for the ID or DD Medicaid Waiver wait lists, and individuals currently residing in a nursing home or Intermediate Care Facility are the target populations of the settlement. To meet this requirement, Virginia will create 4,170 Medicaid waiver slots by June 30, 2021. Many of the required waiver slots have already been created and funded in order to meet the first set of the milestones outlined in the agreement. Others are required to be created by June 30, 2013.

The agreement also requires several new programs and data collection requirements.

The Individual and Family Support Program will serve up to 1,000 individuals a year. The program is anticipated to begin in March 2013, and individuals who are on the ID or DD wait lists are eligible to apply. The program will provide up to \$3,000 in funds for professionally provided services, assistive technology, medical expenses, peer monitoring and family supports, and other services provided by DBHDS. The Systematic, Therapeutic, Assessment, Respite, and Treatment model will provide mobile crisis teams that are available 24/7 to respond to on-site crises in a prescribed time period. The program must also provide crisis prevention, proactive planning, and crisis stabilization procedures.

Going forward, DBHDS will work with the Virginia Department of Medical Assistance Services to jointly plan for waiver changes over the next two years. The waivers will be issued as needs-based as opposed to disorder-based, and they will address need rate changes to serve those with the most complex needs. The overall plan for the waiver changes is still in progress.

The Commission asked Ms. Dix if the Commonwealth has no choice but to transition people out of the training centers. Ms. Dix explained that Virginia has to provide the option for each person to be provided services in the least restrictive setting possible. Each individual will have the choice of remaining in the training center or transitioning to the community, but the Commonwealth has to be ready to provide community-based services. She further noted that no individual will be transitioned if DBHDS is not certain it can provide the necessary level of community-based services or if DBHDS is not certain the individual and his family are willing to transition.

Privatization of the Virginia Office for Protection and Advocacy

Colleen Miller, Virginia Office for Protection and Advocacy

Ms. Colleen Miller updated the Commission on the Virginia Office for Protection and Advocacy's (VOPA) transition from an independent state agency to a private nonprofit. During the 2012 session, the General Assembly passed HB 1230, legislation that calls for the privatization of Virginia's protection and advocacy system. The Governor signed the bill on May 18, 2012. HB

1230 called for the development of a transition plan to be provided to the legislature by December 1, 2013. Ms. Miller noted that VOPA will provide the transition plan one year ahead of schedule by December 1, 2012.

As part of the transition, sections of the *Code of Virginia* that refer to the agency will need to be amended. The agency is asking the Commission to patron that bill. In response to a question about the future funding of VOPA and how other states were handling the transition process, Ms. Miller responded that VOPA is currently and will continue to be fully federally funded. She also noted that most states have either already transitioned their agencies or are in the process of doing so. The Commission adopted a motion to draft the requested legislation by the next Commission meeting.

Work Group Reports

Work Group #1: Housing and Transportation

Work Group #1 held its second meeting of the 2012 interim on August 22, 2012. At that meeting, the work group discussed the following items:

- The need to collect information about housing and service needs to guide development of integrated housing units through the Section 811 program and other housing programs for individuals with disabilities in the Commonwealth.
- Opportunities for cooperation and coordination in planning and service provision afforded by activities around development of the Department of Behavioral Health and Developmental Services housing plan, required as part of the settlement agreement with the Department of Justice.
- A need to continue to explore options for providing rental subsidies for individuals with disabilities and others in need of affordable housing.

Work Group #2: Education and Employment

Work Group #2 held its second meeting of the 2012 interim on August 22, 2012. At that meeting, the work group heard two presentations.

The Virginia Disability Commission heard information regarding the privatization of the Virginia Office for Protection and Advocacy.

Forty percent of students with disabilities receive speech-language services.

John Eisenberg, Virginia Department of Education

Mr. Eisenberg gave an update on speech-language pathology supports and services.

- 40 percent of students with disabilities receive speech-language services.
- There has been a decrease in students with a primary disability of speech-language impairment because of pre-referral interventions and better identification of those with dialect issues rather than a speech-language impairment.
- The Department has implemented a telepractice pilot program to provide speech-language therapy remotely.
- The program has provided one-on-one services, as well as larger group instruction.
- The program has the potential to reach rural and other areas where services may not be as comprehensive.

Julie Durando, Virginia Project for Children and Young Adults with Deaf-Blindness, Virginia Commonwealth University

Dr. Durando gave an overview of the same presentation she gave to the full Commission. The work group discussed the fiscal challenges associated with recognizing interveners, explored the scope of the need for interveners, and discussed ways the Commission and the state could get federal recognition of interveners.

Work Group #3: Publicly Funded Services

Work Group #3 held its second meeting of the 2012 interim on August 22, 2012. At that meeting, the work group discussed the following recommendations:

- Funding to recapitalize the Consumer Service Fund, in the amount of at least \$75,000.
- Additional funding in excess of \$75,000 to the Consumer Service Fund to allow the CSF to meet additional needs beyond those of the most critical pool.
- That the newly recapitalized Consumer Service Fund be renamed and designated the Consumer Service Grant Program.
- Funding to eliminate the waiting list for services through the Department for Aging and Rehabilitative Services' Personal Assistance Services Program. An allocation of \$750,000 would eliminate the current waiting list for services.
- That the Disability Commission ask the Department of Social Services and the

Department of Medical Assistance Services to work with the Department for Aging and Rehabilitative Services to identify and provide information that will clarify the actual scope of need for services through the Personal Assistance Services program.

- Funding in the amount of \$2.5 million to address the waiting list for brain injury services and eliminate waiting lists for core services for individuals with brain injury.
- Funding in the amount of \$2 million to be allocated to the Department for Aging and Rehabilitative Services to create a transfer assistance fund to help move people from institutions to community care settings.
- That the Disability Commission request the Department of Medical Assistance Services to complete the application for a brain injury services waiver and request \$2.5 million to fund a pilot program for in-state, publicly funded neurobehavioral treatment units in the Commonwealth.
- Funding in the amount of \$500,000 to transition two existing satellite Centers for Independent Living to full Centers for Independent living; \$160,000 to assist two existing satellite Centers for Independent Living prepare for transition to full Center for Independent Living status; and \$400,000 to establish five new satellite Centers for Independent Living.
- Funding in the amount of \$306,866 to restore funding for Centers for Independent Living to 2009 levels.

The three work groups met again on September 19, 2012, to receive information and discuss options for legislative and budgetary actions for recommendation to the Virginia Disability Commission.

Next Meeting

The Disability Commission also met on September 19, 2012; a summary of that meeting will be included in the October issue.

VIRGINIA DISABILITY COMMISSION

DELEGATE BRENDA POGGE, VICE CHAIR
SARAH STANTON AND TOM STEVENS, DLS
STAFF

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Did You Know?

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

Virginia's Revenue Estimating Process

Virginia's process of estimating revenues has been largely unchanged for many years. Although the Governor of Virginia is required to submit a Budget Bill by December 20, one of the first steps in the process begins months earlier when the process of formulating the official revenue estimates begins. The specific steps in the process are governed by § 2.2-1503 of the *Code of Virginia*.

Joint Advisory Board of Economists

The first step in the process is when the Joint Advisory Board of Economists, which consists of the Secretary of Finance, the Staff Directors of the House Appropriations and Senate Finance Committees, 12 members appointed by the Governor, and three members appointed by the Joint Rules Committee, convenes to present its view of economic conditions and the economic outlook for the upcoming budgetary period. The Board of Economists also evaluates recent revenue collections with the most recent official forecast to determine if the econometric models need to be refined or adjusted. The Department of Taxation serves as staff to the Board of Economists. The Board of Economists has access to the state's economic forecasting service—Global Insight. The staffs of the Division of Legislative Services, House Appropriations, and Senate Finance Committee are invited to hear and participate in the discussions of the Board of Economists. Once a consensus forecast for economic activity is determined, the Department of Taxation plugs these estimates into the econometric models to determine the preliminary revenue estimates.

Governor's Advisory Council on Revenue Estimates

The next step in the revenue estimating process is when the Governor's Advisory Council on Revenue Estimates reviews the economic forecast of the Board of Economists, as well as the preliminary revenue estimates. The Council consists of business leaders throughout the Commonwealth selected by the Governor. The Council also includes the Speaker and Majority Leader of the House of Delegates, the

President pro tempore and Majority Leader of the Senate, the chair of the money committees of both the House and Senate, two members of the House of Delegates appointed by the Speaker, and two members of the Senate appointed by the chair of the Senate Committee on Finance. The members of the Council review the economic outlook based on their knowledge of Virginia and the specific sectors in which they are involved. As with the Board of Economists, the meeting is held in Executive Session so that both business leaders and legislative members can speak freely regarding their views on the economy, the revenue estimates, and their own confidential proprietary information regarding the economy.

Governor's Budget Bill

The last step in the process is when the Governor and his administration take all the consensus forecasts and views of the economic outlook and formulate the official estimates that will serve as the basis of the Governor's Budget Bill.

*John Garka, Manager, Finance and Taxation Section,
Division of Legislative Services*

Joint Commission on Technology and Science

Cybersecurity Advisory Committee

Future action on the federal level is likely to address cybersecurity concerns.

The first meeting of the Cybersecurity Advisory Committee (Advisory Committee) of the Joint Commission on Technology and Science was held on August 21, 2012. Delegate Rust, chair of the Advisory Committee, called the meeting to order. He noted that cybersecurity issues were ripe for discussion and that the goal for the Advisory Committee was to gain an understanding of those issues and to look to the citizen members and the public to help develop possible solutions.

Federal Legislation

Staff provided a brief overview of proposed federal legislation related to cybersecurity. There is broad support for cyber legislation. The President, Congress, the intelligence community, and many members of the private sector are in support of and working towards legislation to address cybersecurity issues. While several different approaches have been proposed, they each include a mechanism for information sharing between the federal government and the private sector. This information sharing is the key to protecting against cybersecurity threats, but it does raise some privacy concerns. Three particular bills of note are the Cyber Information and Security Protection Act (CISPA), the Cybersecurity Act of 2012 (CSA), and the Strengthening and Enhancing Cybersecurity by Using Research, Education, Information and Technology Act (SECURE IT). While Congress was not able to pass cybersecurity legislation before going to recess, future action is likely.

The Advisory Committee noted that the federal government has gaps in its knowledge of threats and hopes the private sector can fill those gaps. The goal of any legislation is to protect critical information and infrastructure. Cybersecurity threats are not just from individuals, but are coming from other governments. In addition to the federal government and large corporations, state and local governments and small businesses are also targets of cybersecurity threats. Cybersecurity threats are not always disruptive, and the target may not know it has been attacked.

Governor's Cybersecurity Initiative Cameron Kilberg, Assistant Secretary of Technology

Mr. Kilberg provided an overview of the Governor's Cybersecurity Initiative. The Governor has a number of current initiatives and future goals related to cybersecurity. One such goal is to develop the concept of cyber "minutemen." The "minutemen" would be a taskforce designed to maximize the security of the Commonwealth by acting as first responders in case of cyber emergency. The Governor has also created a Cyber Challenge for Virginia high school students. Participants take a series of cyber-related tests, and the top scorers go on participate in an interactive learning environment competition at George Mason University. The Advisory Committee noted that all secondary students need to be well versed in cyber "hygiene" and that students interested in cyber-related careers would benefit from simulators and internships in the private sector.

Center for Innovative Technology David Ihrie and Kent Murphy, Center for Innovative Technology

Mr. Ihrie and Mr. Murphy gave an update on the Center for Innovative Technology's (CIT) cybersecurity initiative. CIT's goal is to foster new growth of cybersecurity companies in the Commonwealth. CIT hopes to achieve this growth by understanding the market and the Commonwealth's cyber assets and finding ways to improve efficiencies in both product development and cybersecurity response to support leaders in cyber-related business growth.

Throughout the presentations and discussion the Advisory Committee was particularly interested in the Commonwealth's current cybersecurity status. The Committee wanted to know how the Commonwealth compares to other states, how it tests itself, and what the risks and standards are for protecting Virginia's cyber assets. Beyond the details, the Committee wanted to know the broader vision for the Commonwealth's goals for cybersecurity—all issues that will be addressed at the next Advisory Committee meeting.

Energy Advisory Committee

The Energy Advisory Committee (Advisory Committee) held its first meeting of the 2012 interim on September 4, 2012.

After Delegate Cosgrove, chair of the Advisory Committee, called the meeting to order and the members of the Advisory Committee introduced themselves, staff highlighted two bills of interest to the Advisory Committee that were adopted by the 2012 Legislative Session: House Bill 232, a bill that allows the use of renewable thermal energy to satisfy Renewable Portfolio Standard goals, and House Bill 894, a bill that relates to the criteria used by the State Corporation Commission to approve energy efficiency programs. Both bills related to topics that were presented to the 2011 Energy Advisory Committee.

The focus of the meeting then turned to a discussion of emerging energies used in transportation and a discussion of the current taxation of alternative transportation fuels. The chair noted that transportation funding is of the utmost importance to the Commonwealth. As vehicles become more fuel efficient, and as alternative fuels are utilized, less money is available for new transportation construction. He said that the Secretary of Transportation of the Commonwealth has said many times that Virginia will lack funding for new construction in just a few years without finding new sources of revenue, and that all transportation revenue will be required to be used for road maintenance. He emphasized the need to figure out how to generate the revenues fairly.

Committee members were asked to share their thoughts as to what alternative energies were currently viable and what energies might become commercially viable in the near future. Members questioned the likelihood that hydrogen fuel cells would become commercially viable, given the volatility of hydrogen, the decision by the federal government to end funding for fuel cell research, and the difficulty of finding refueling stations. One member of the committee highlighted the potential of biodiesel as an economic development driver and suggested that policies be reviewed that could be implemented to help commercial producers of biodiesel.

Discussion turned to the need for the traditional gas tax to evolve. It was noted by several members that using the gas tax as a revenue producer for transportation has become outdated, and the emphasis should be on tying funding to use of the roads—whether that user drives a gas-powered vehicle, electric vehicle, or something else. The chair noted that the gas tax has not been raised in decades. He also observed that despite a wide discrepancy in the gas tax between states on the Eastern

Seaboard, the price of gas did not vary widely between, for example, similar urban areas in New Jersey, Virginia, and North Carolina. He questioned why this was the case, and suggested that this be a topic to study at a future meeting.

Staff indicated that currently, the gas tax in Virginia is \$0.175 per gallon of gas, or in the case of alternative fuels, gallon equivalency. Legislation adopted by the 2012 Session of the General Assembly also imposes an annual \$50 fee for electric vehicles registered in the Commonwealth, to offset the fact that these vehicles use the roads of the Commonwealth but do not pay gas tax. A representative from the Department of Motor Vehicles provided comprehensive information to the Advisory Committee concerning the collection of motor fuels taxes in the Commonwealth and explained how the road tax for heavy vehicles (over 26,000 pounds) is administered and collected.

Discussion also touched on alternative programs. The Oregon pilot program that would tax miles driven, as opposed to fuel purchased, was mentioned. Additionally, the concept of a “Fare Share” program that would charge a vehicle a \$0.50 surcharge every time it refueled was mentioned. Such a program was the subject of 2012 legislation in Virginia that did not pass. The bill would have allowed the revenues generated by the surcharge to be used for transportation purposes in the jurisdiction in which it was collected.

The chair indicated that this was a complicated program and invited the Advisory Committee members to keep thinking about the issue after the meeting and to share any ideas about a solution with legislators.

Before adjourning, the chair indicated that at the next meeting, he would like to learn about alternative energy sources that are viable and affordable in the Commonwealth. He would also like to hear from subject matter experts who can suggest reasonable policies that the Commonwealth might adopt to assist in the viability of these energies.

Electronic Meetings Advisory Committee

The JCOTS Electronic Meetings Advisory Committee (Advisory Committee) held its second meeting of the interim on September 5, 2012.

JCOTS Energy
Advisory Committee
members discussed
alternative energy
sources.

The JCOTS
Electronic Meetings
Advisory Committee
heard an overview of
the existing
requirements of
electronic meetings
laws.

Delegate May, chair of the Advisory Committee, began the meeting by stating that technology has changed substantially over the past 10 years, and he wants to make sure that electronic meeting laws are keeping pace with the capabilities of technology. Another member added that the use of audio/visual technology for electronic meetings has not been robust. He noted that the last time JCOTS attempted to have an audio/visual electronic meeting (in 2004), it was cumbersome. But today audio/visual meetings are held daily as a function of business in the private sector, so he is pleased to be a part of this JCOTS review. Another member echoed these sentiments, stating that the technology seems to be available, but government does not seem to be using it effectively.

In response to questions raised at the first meeting, staff provided an overview of the electronic meetings conducted by agencies since 1999, as reported to JCOTS and the Virginia Freedom of Information Advisory (FOIA) Council. Staff distributed a table summarizing the use of electronic meetings prepared by the FOIA Council. A copy of the table is available on the JCOTS website. In summary, it appears that only 307 meetings have been conducted using electronic means since 1999, and most of these meetings were conducted using only an audio connection. In addition, many of the meetings were held by subcommittees of public bodies.

The chair questioned whether use of just a phone connection was appropriate in cases where public bodies were taking votes. He said that just an audio connection could seem “anemic.” He suggested the possibility that perhaps the law should differentiate between what was appropriate business to conduct via phone and what would require an audio/visual connection. He also suggested that many courts had robust audio/visual systems, and perhaps there is a way to make those facilities available to entities wishing to conduct an audio/visual meeting.

Staff also presented a detailed overview of the existing requirements of electronic meetings laws, along with background, comments, or potential changes that could be made to each provision. The staff document was not intended to suggest particular changes, but instead to provide topics for discussion. A copy of the table outlining the provisions of the law is available on the JCOTS website.

The members of the Advisory Committee were interested in the policy that prohibits local

bodies from conducting electronic meetings. There was some inclination by the Advisory Committee to allow regional public bodies to conduct electronic meetings, but still some hesitation to expanding it to local public bodies.

The Advisory Committee also spent time discussing how audio/visual means could be used to increase public access to meetings. While the law allows a public body to stream the audio (or audio/visual) of a meeting, it is rarely used. The chair noted that Richmond City Council routinely provides a broadcast of its meetings on television. Another member suggested that more meetings should be streamed in order to create a better public record, enhance public participation, and positively impact members’ behavior during meetings. Another member said that he thought streaming of meetings would also improve member participation.

A representative from the Governor’s Office indicated that recording and streaming of meetings is something that they are currently exploring. He indicated that they have looked at live streaming, but there is some cost involved. He said they are also looking into recording all meetings and having them available on YouTube. The chair questioned whether the meetings should be available and archived on a state website, instead of YouTube.

In closing the discussion of the current law, the members were in consensus that the limitation on the number of electronic meetings that a public body could hold per year be eliminated, so long as the law retains the requirement that a quorum be assembled in one physical location. However, no vote was taken. The chair also requested that a draft be prepared for the next meeting that would differentiate an audio meeting from an audio/visual meeting.

Staff indicated that the next meeting of the Advisory Committee, scheduled for October 15 at 2:00 p.m., would be held using audio/visual means. JCOTS has received permission to use the 4-VA higher education pilot facilities. A quorum will be present at the Richmond Cisco facilities, Delegate Plum will participate from George Mason University, and one of the presenters will be participating from Virginia Tech. Details about the exact locations will be available as soon as they are confirmed.

JCOTS Full Commission Meeting

The Joint Commission on Technology and Science held its second full commission meeting of the 2012 interim on September 17, 2012, in Richmond with Delegate Tom Rust, chair, calling the meeting to order.

Bio-Fuels

Leo Schefer, Washington Airports Taskforce

Mr. Schefer spoke concerning a pilot program using bio-fuels developed through the Commercial Alternative Fuels Initiative. The pilot includes certain flights into Dulles International Airport and Ronald Reagan Washington National Airport. The program is focused on the development and use of a bio-jet fuel that can be mixed with regular Jet A fuel.

Mr. Schefer shared that this presents Virginia with a potentially huge economic development opportunity for the production of feedstock and the refining of feedstock into Jet A fuel. One potential fuel source is switchgrass, which has been demonstrated to grow well in fields formerly used for tobacco.

Currently, the Secretaries of Agriculture and Forestry, Natural Resources, Transportation, and Commerce and Trade are involved with the program. The Department of Aviation has taken the agency lead, and is working with the Virginia Center for Transportation Innovation and Research at the University of Virginia to produce a report evaluating the potential for the Commonwealth. The Department of Aviation expects an initial report prior to the 2013 Session of the General Assembly. A copy of Mr. Schefer's presentation is available on the JCOTS website.

Annual Report

Sam Nixon, Virginia's Chief Information Officer

Following Mr. Schefer's presentation, JCOTS received its annual report from Sam Nixon, Chief Information Officer of the Commonwealth. Section 2.2-2007 of the *Code of Virginia* requires the CIO to report annually to JCOTS concerning the use and application of information technology concerning state agencies.

A copy of Mr. Nixon's presentation is available on the JCOTS website. He focused his presentation on providing an update on

transformation, new initiatives, security, IT spending, and future challenges.

Other Reports

After the formal presentations were complete, the chairs of the 2012 Advisory Committees provided a brief update on their work to date and plans for future meetings.

Sam Nixon, the Commonwealth's Chief Information Officer, gave the annual report about the use and application of information technology concerning state agencies.

JOINT COMMISSION ON TECHNOLOGY AND SCIENCE

DELEGATE THOMAS RUST, CHAIR
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Meeting Calendar for October 2012

Virginia Commission on Youth/Comparison of Academic Achievement in Virginia with Leading Industrialized Countries Advisory Group	9:30 a.m., Tuesday, October 2, 2012—House Room 3, Capitol
Virginia State Crime Commission	10:00 a.m., Tuesday, October 2, 2012—Senate Room A, GAB
JCOTS/Energy Advisory Committee Lisa Wallmeyer	10:00 a.m., Tuesday, October 2, 2012—House Room C, GAB
Commission on Civics Education	12:00 p.m., Tuesday, October 2, 2012—Senate Room B, GAB
Joint Subcommittee to Evaluate Tax Preferences Lisa Wallmeyer/David Rosenberg	1:30 p.m., Tuesday, October 2, 2012—House Room D, GAB
FOIA Council/Criminal Investigative Records Subcommittee Maria Everett/Alan Gernhardt	1:30 p.m., Tuesday, October 2, 2012—6th Floor Speaker's Conference Room, GAB
Virginia Code Commission Jane Chaffin	10:00 a.m., Wednesday, October 3, 2012—6th Floor Speaker's Conference Room, GAB
Joint Legislative Audit and Review Commission/Internal Service Fund Subcommittee	10:00 a.m., Thursday, October 4, 2012—11th Floor, JLARC Large Conference Room, GAB
Virginia Housing Commission/Affordability, Real Estate Law, and Mortgages Work Group Elizabeth Palen	10:00 a.m., Tuesday, October 9, 2012—House Room C, GAB
Joint Legislative Audit and Review Commission	10:00 a.m., Tuesday, October 9, 2012—Senate Room A, GAB
JCOTS/Electronic Meetings Advisory Committee Lisa Wallmeyer	2:00 p.m., Monday, October 15, 2012—6th Floor Speaker's Conference Room, GAB
Full Commission Meeting	
Joint Commission on Health Care/Behavioral Health Care Subcommittee	10:00 a.m., Tuesday, October 16, 2012—Senate Room A, GAB
	Behavioral Health Care Subcommittee
	1:00 p.m., Tuesday, October 16, 2012—Senate Room A, GAB
JCOTS/Cybersecurity Advisory Committee Lisa Wallmeyer	10:00 a.m., Tuesday, October 16, 2012—6th Floor Speaker's Conference Room, GAB
Virginia Commission on Youth	10:00 a.m., Wednesday, October 17, 2012—House Room C, GAB
FOIA Council/Electronic Meetings Subcommittee Maria Everett and Alan Gernhardt	10:00 a.m., Wednesday, October 17, 2012—4th Floor West Conference Room, GAB
JCOTS/Identity Management Advisory Committee Lisa Wallmeyer	1:00 p.m., Wednesday, October 17, 2012—6th Floor Speaker's Conference Room, GAB
MLK Commission/Sesquicentennial of the Emancipation Proclamation Music Work Group Education Subcommittee Brenda Edwards	9:00 a.m., Friday, October 26, 2012—3rd Floor East Conference Room, GAB
Virginia Housing Commission/Continuing Care Retirement Communities Sub-Work Group Elizabeth Palen	1:30 p.m., Tuesday, October 30, 2012—House Room C, GAB

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

Meeting Calendar for November 2012

Virginia Housing Commission/Housing and Environmental Standards Work Group and Time-Share Work Group

Elizabeth Palen

Housing and Environmental Standards Work Group

10:00 a.m., Thursday, November 1, 2012—Senate Room A, GAB

Time-Share Work Group

1:30 p.m., Thursday, November 1, 2012—House Room C, GAB

Virginia Code Commission

Jane Chaffin

10:00 a.m., Wednesday, November 7, 2012—6th Floor Speaker's Conference Room, GAB

Joint Commission on Health Care

10:00 a.m., Wednesday, November 7, 2012—Senate Room A, GAB

FOIA Council/Electronic Meetings Subcommittee

Maria Everett/Alan Gernhardt

10:00 a.m., Wednesday, November 7, 2012—4th Floor West Conference Room, GAB

JCOTS/Energy Advisory Committee

Lisa Wallmeyer

10:00 a.m., Wednesday, November 7, 2012—House Room C, GAB

Virginia Commission on Youth

1:00 p.m., Wednesday, November 7, 2012—House Room C, GAB

Joint Legislative Audit and Review Commission

9:00 a.m., Tuesday, November 13, 2012—Senate Room A, GAB

Virginia State Crime Commission

2:00 p.m., Tuesday, November 13, 2012—Senate Room A, GAB

Virginia Housing Commission

Elizabeth Palen

1:00 p.m., Wednesday, November 14, 2012—The Hotel Roanoke and Conference Center, Roanoke

JCOTS/Identity Management Advisory Committee

Lisa Wallmeyer

1:00 p.m., Monday, November 19, 2012—6th Floor Speaker's Conference Room, GAB

Meetings may be added at any time, 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 this section of the *Virginia Legislative Record* will assist 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 OF CRIMINAL JUSTICE SERVICES

6VAC20-270. Regulations Relating to Campus Security Officers (adding 6VAC20-270-10 through 6VAC20-270-130).

A public hearing will be held on December 6, 2012, at 11 a.m. at the General Assembly Building in Richmond. Written public comments may be submitted until October 26, 2012.

Summary:

The proposed regulations establish standards for campus security officers who are hired by colleges or universities or contracted through private security firms. The standards include eligibility requirements for certification, standards for initial training and biennial recertification, continuing education requirements, rules of conduct, and provisions for suspending certification.

For more information, please contact Lisa McGee, Department of Criminal Justice Services, Richmond, VA 23218, telephone (804) 371-2419, FAX (804) 786-6377, or email lisa.mcgee@dcjs.virginia.gov.

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF SOCIAL WORK

18VAC140-20. Regulations Governing the Practice of Social Work (amending 18VAC140-20-10, 18VAC140-20-40, 18VAC140-20-45, 18VAC140-20-51, 18VAC140-20-110).

A public hearing will be held on October 15, 2012, at 9:45 a.m. at the Department of Health Professions in Richmond. Written public comments may be submitted until November 9, 2012.

Summary:

Regulations governing the practice of social work are amended to (i) require that the national licensing examination be passed within five years prior to application or, if the examination was passed before that time period, that the applicant demonstrate evidence of social work practice at the appropriate level (social worker or clinical social worker) within an exempt setting prior to application; (ii) eliminate certain application requirements for licensure by endorsement applicants and, at the same time, clarify the meaning of “active practice” to demonstrate competency in the field of social work and provide an alternative to the experience requirement; and (iii) address the issue of reactivation and reinstatement for applicants who have either been practicing in another U.S. jurisdiction or exempt setting, or have not been practicing in recent years by requiring active

practice in three of the past five years immediately preceding application, or practice under supervision for at least 360 hours in the 12 months preceding licensure in Virginia.

For more information, please contact Catherine Chappell, Board of Social Work, Richmond, VA 23233-1463, telephone (804) 367-4406, FAX (804) 527-4435, or email catherine.chappell@dhp.virginia.gov.

**TITLE 20. PUBLIC UTILITIES AND
TELECOMMUNICATIONS
STATE CORPORATION COMMISSION**

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

20VAC5-305. Rules for Electricity and Natural Gas Submetering and for Energy Allocation Equipment (amending 20VAC5-305-10, 20VAC5-305-20, 20VAC5-305-50, 20VAC5-305-60, 20VAC5-305-70, 20VAC5-305-90, 20VAC5-305-110; adding 20VAC5-305-95).

A public hearing will be held upon request. Written public comments may be submitted until October 1, 2012.

Summary:

Chapter 338 of the 2012 Acts of Assembly directs the State Corporation Commission to promulgate regulations and standards for the installation of submetering equipment or energy allocation equipment at campgrounds for the purpose of fairly allocating the cost of electrical or natural gas consumption for each guest to use such equipment. The proposed amendments include the use of submetering and energy allocation equipment for electricity and natural gas at campgrounds and, among other things, provide general requirements for the use of such equipment at campgrounds and for the billing of campsite tenants for actual measured usage of electricity and natural gas.

For more information, please contact Brian Beckman, Division of Energy Regulation, State Corporation Commission, Richmond, VA 23218, telephone (804) 225-3267, FAX (804) 371-9350, or email brian.beckman@scc.virginia.gov.

Members of the General Assembly requesting multiple copies of Division of Legislative Services publications should email mtanner@dls.virginia.gov.

**Prefiling
for the 2013 Regular Session
began on Monday, July 16, 2012.**

**The last day to act on continued
legislation is Thursday,
November 29, 2012.**



Division of Legislative Services

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