



## September/October 2016 Issue

### *Activities of Virginia Legislative Study Commissions and Joint Subcommittees During the Legislative Interim*



Virginia Division of Legislative Services

# Virginia Legislative Record

Volume 26 Issue 3

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The *Virginia Legislative Record* is a report of the activities of Virginia legislative study commissions and joint subcommittees, reflecting the ongoing deliberations and recommendations of interim legislative studies. Meeting summaries were prepared by the staff of the Division of Legislative Services. More information concerning the individual commissions and committees is available on the DLS website (<http://dls.virginia.gov/>) or by calling 804-786-3591.

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## Regulation Information

The *Virginia Register of Regulations* is Virginia's official publication of proposed, final, and emergency regulations. All regulations must be filed with the Registrar of Regulations to become law. The *Virginia Register of Regulations*, published every other Monday, provides a snapshot of all regulatory activity in Virginia. The current *Register* issue, as well as prior issues and additional information about the regulatory process in Virginia, is available at <http://register.dls.virginia.gov>. Contact the Division of Legislative Services at 804-786-3591 (ext. 258, 261, or 262) or follow the *Virginia Register* on Twitter @varegs for more information.

## Virginia Code Commission

*August 1, 2016*

The Virginia Code Commission (the Commission) met on August 1, 2016, with Delegate Jim LeMunyon, vice-chair, presiding.

### **Recodification of Title 55, Property and Conveyances**

*Amigo Wade, Senior Attorney, Division of Legislative Services*

Mr. Wade presented a detailed list of the proposed parts, chapters, articles, and sections for Subtitle III, Rental Conveyances. This list was developed by the Rental Conveyances work group. Mr. Wade described an issue that the work group has encountered pertaining to the organizational approach to rental conveyances. The Virginia Residential Landlord and Tenant Act (VRLTA), which was first adopted in 1974, is based on the Uniform Residential Landlord and Tenant Act developed by the National Conference of Commissioners on Uniform State Laws. When it was initially enacted, the VRLTA did not apply to all residential tenancies. Rental tenancies not covered by the VRLTA continued to fall under existing Chapter 13 (§ 55-217 et seq.) of Title 55. The result is that two bodies of law pertaining to residential tenancies have continued to exist. Mr. Wade went on to explain that, since 1994, the General Assembly has passed legislation having the effect of expanding the applicability of the VRLTA. A great deal of the work group's time has been spent reconciling the two bodies of law in a proposed general provisions chapter that will cover all residential tenancies. Mr. Wade advised members that the proposed general provisions chapter and the VRLTA chapter will be presented at the next meeting.

### **2017 Code of Virginia Replacement Volumes and Pricing Proposal**

*Brian Kennedy, Director of Government Relations, LexisNexis*

Mr. Kennedy stated that LexisNexis proposes replacing the following volumes of the Code of Virginia in 2017: Volumes 1, 7, 8A, and 9A, which he suggests splitting into two volumes (9A and 9B). Volume 9A will consist of Titles 63.2 and 64.2, and Volume 9B will consist of Titles 65.2 through 67. The proposal is based largely on the size of the stand-alone supplement for each volume. Mr. Kennedy stated that replacing five to six volumes each year is typical. In regards to the pricing information, Mr. Kennedy advised that the requested increase is four percent.

E.M. Miller requested additional time to review the proposal. Mr. Kennedy stated that a delay was acceptable to LexisNexis. Hearing no objection from the members of the Commission, Delegate LeMunyon directed that this agenda item be moved to the next meeting of the Commission.

### **Proposed Work Plan for Study of (i) Use of Gender-specific References throughout the Code of Virginia and (ii) Referred Bills from the 2016 Session of the General Assembly**

*David Cotter, Senior Attorney, Division of Legislative Services*

Mr. Cotter provided a brief update on this study, which includes gender-specific-term bills referred to the Commission, a request from House and Senate leadership for the Commission to set up a study to evaluate the Code of Virginia in light of the 2015 U.S. Supreme Court ruling on same-sex marriage, numerous bills amending Virginia law governing discrimination referred to the Commission during the 2016 Session of the General Assembly, and a May 10, 2016, opinion of the Virginia Attorney General addressing Virginia's antidiscrimination statutes.

Staff completed its review of the Code of Virginia to identify sections with gender-specific terms, and a list of those sections was presented. Mr. Cotter advised the members that work groups have been established, and he presented a list of names or entities with work group assignments. One additional work group will be formed to review those sections not amenable to consideration by an existing work group because the subject matter is government oriented. Mr. Cotter will consult with state agencies as appropriate for this “as necessary” work group.

Mr. Cotter indicated the work groups are expected to begin their work after this meeting. Findings and recommendations will be presented to the Commission in discrete portions, but Mr. Cotter indicated that he is not certain when the presentations will begin.

Senator John Edwards addressed the bills referred to the Commission during the 2016 Session of the General Assembly, noting that one bill was from House Courts and the others were from House General Laws. He stated that the bills from House General Laws seem to be policy bills and not within the purview of the Commission.

Timothy Oksman stated that he had discussed this matter with Senator Edwards before the meeting and indicated that the bills should be re-referred to General Laws. He stated that he was uncomfortable putting staff in a position to recommend policy changes. Senator Edwards identified the bills as HB 77, HB 179, HB 300, HB 397, HB 427, HB 429, HB 913, HB 1005, SB 12, and SB 67.

Delegate Greg Habeeb disagreed, stating that the Commission understood that the bills were policy bills when it agreed to include the bills in this study. Staff will not make policy recommendations, but will evaluate each bill for the proper way to draft legislation and for consistency with other recommendations from the work groups. He noted that a General Assembly member may reintroduce any of these bills at any time and asserted that it is important for the Commission to undertake this work to get the best result, particularly since the Commission has publicly announced it is going to do so.

A question arose as to the exact status of the bills and whether the Commission can send the bills back to General Laws. Delegate LeMunyon deferred the matter until the next meeting so that the members have an opportunity to review all of the bills and the status of the bills.

### **Obsolete Laws Work Plan, 2016**

*Meg Lamb, Attorney, Division of Legislative Services*

Section 30-151 of the Code of Virginia requires the Commission to review the Code of Virginia to identify obsolete provisions. Ms. Lamb advised the members that DLS staff planned to review Titles 5.1 (Aviation), 10.1 (Conservation), 27 (Fire Protection), 48 (Nuisances), and 62.1 (Waters of the State, Ports and Harbors) for obsolete provisions. She anticipates that recommendations will be presented at the Commission’s October meeting.

### **2016 Virginia Administrative Code Replacement Volumes Proposal**

*Karen Perrine, Staff Attorney, Division of Legislative Services*

Ms. Perrine stated that the contract for the print publication of the Virginia Administrative Code (VAC) provides for Commission approval when West, the publisher, proposes replacement of more than four volumes of VAC in any given year. West has requested approval to issue five replacement volumes in 2016. The five volumes will be Volumes 14 through 18, consisting of Titles 14 through 24, which will complete the replacement of the hardcover binder volumes with softcover volumes. The Commission approved West’s request to issue five replacement volumes.



## **Treatment of Enactments and Other Uncodified Acts Passed by the General Assembly**

*Mark Vucci, Acting Director, Division of Legislative Services*

Mr. Vucci presented a list of Section 1 bills and enactment clauses from the 2016 Session of the General Assembly that were assigned a section number in the Code of Virginia. He explained that this year, enactment clause 2 of Chapters 300 and 661 was placed in the Code as subsection I of § 58.1-439.12:11 following the general authority of the Commission regarding codification. In 2011, Chapter 742 amended § 58.1-439.12:06 and contained a similar enactment clause; however, that enactment clause was not placed in the Code. Mr. Vucci wanted the Commission to be aware of this situation and to provide guidance to staff on any action deemed necessary by the Commission.

Delegate LeMunyon stated that the Commission has three choices: take no action, codify both, or leave both in the enactment clause. Tom Moncure stated that an enactment clause should only be transitional. The language of the enactment clause in question is substantive and should therefore be in the Code. Carlos Hopkins agreed with Mr. Moncure, adding that the text of the enactment clause is permanent in nature, which is the basis for codification. Mr. Hopkins moved that enactment clause 2 of Chapter 742 of the 2011 Acts of Assembly be placed in the Code. The motion was duly seconded. Delegate Habeeb disagreed, indicating that a member of the General Assembly should have the ability to introduce legislation as an enactment or Section 1 bill with confidence that it would remain as enacted by the General Assembly.

After discussion of the Code Commission's statutory authority and responsibilities, Mr. Hopkins renewed his motion on the basis of the information presented. The motion passed with Delegate Habeeb voting against the motion.

Senator Ryan McDougale stated that the Commission should provide clear direction on how to proceed in the future. Delegate LeMunyon requested that Mr. Vucci draft the policy for discussion at the next meeting.

### **Additional Meetings**

The Commission met on Monday, September 19, 2016, and Monday, October 17, 2016.

*September 19, 2016*

The Virginia Code Commission (the Commission) met on September 19, 2016, with Senator John Edwards, chair, presiding.

### **2017 Code of Virginia Replacement Volumes and Pricing Proposal**

*Brian Kennedy, Director of Government Relations, LexisNexis*

Mr. Kennedy presented the LexisNexis annual proposal for replacing volumes of the Code of Virginia. The proposal is based largely on the size of the standalone supplement for each volume. Mr. Kennedy stated that replacing five to six volumes each year is typical. The Code Commission approved Mr. Kennedy's proposal to replace Volumes 1 (Titles 1-2.2), 7 (Title 46.2), and 8A (Title 58.1) and to split Volume 9A into two volumes—Volume 9A (Titles 63.2 and 64.2) and Volume 9B (Titles 65.2 through 67). With regard to the pricing information, Mr. Kennedy presented the pricing proposal and explained that the Producer Price Index (PPI) for Book Publishing is used as a basis for the proposal. Although the PPI for the most recent period reflects a 6.0% increase, the LexisNexis pricing proposal reflects only a

4.0% increase. The Commission approved the proposed 4.0% increase in price for the 2017 Code of Virginia updates.

It was noted that there are a number of volumes that have grown and become quite large. One such example is Volume 3A, which consists of Title 15.2. For the purpose of next year's replacement volume recommendations, the Commission asked the Division of Legislative Services to review Title 15.2 and other Code of Virginia volumes and be prepared to make recommendations on splitting larger volumes. Mr. Kennedy advised that normal practice is for LexisNexis to provide its recommendation to staff for review and comment before presenting the recommendations to the Commission.

### **Discussion of Legislation Referred from the 2016 Session of the General Assembly**

At the August meeting, the Commission discussed whether to refer bills back to the House Committee on General Laws that had previously been incorporated into the Commission study on (i) reviewing the use of gender-specific terms throughout the Code of Virginia and (ii) responding to leadership's request that the Commission evaluate what, if any, changes to the Code of Virginia are needed in light of the U.S. Supreme Court ruling in *Obergefell v. Hodges*. The item was continued from the August meeting so that the members had an opportunity to review the bills referred to the Commission during the 2016 Session of the General Assembly, the status of the bills, and the point of order regarding the motion to refer bills back to the General Assembly.

Senator Edwards began by advising the members that Delegate Dave LaRock has requested that his bill, House Bill (HB) 397, be removed from the Commission's work plan. Delegate Greg Habeeb stated that a bill should be removed if the Commission determines removal is the appropriate action and not based solely on a request by a patron. The Commission's function is to review the language of each bill and provide the proper language to accomplish the purpose of each bill and to be consistent with the broader evaluation of the entire Code of Virginia, which is an element of the work plan. He proposed that all referred bills remain in the work plan. Bob Calhoun stated that the Commission should be addressing only the correct way to draft the bill.

After discussing whether the bills should remain on or be removed from the work plan, the Commission reconsidered its prior motion, and, on a 6-4 vote with one abstention, the Commission decided not to include HB 77 (Marshall, R.G.), HB 179 (Kory), HB 300 (Simon), HB 397 (LaRock), HB 427 (Hope), HB 429 (Villanueva), HB 913 (Toscano), HB 1005 (Levine), SB 12 (Ebbin), and SB 67 (Wexton) as part of the Commission's study of gender-specific terms and necessary Code changes in light of the U.S. Supreme Court's ruling.

### **Reorganization of § 58.1-322 of the Code of Virginia**

*Lisa Wallmeyer, Senior Attorney, Division of Legislative Services*

At its May 16, 2016, and June 20, 2016, meetings, the Commission discussed restructuring § 58.1-322 of the Code of Virginia, which pertains to Virginia taxable income of residents, because the section is quite lengthy and has become unwieldy. The section is amended frequently, and a bill to amend this section is voluminous, making it difficult to locate a change in the bill. At its June 20, 2016, meeting, the Commission directed staff to prepare a draft bill to divide § 58.1-322 into more manageable sections. Ms. Wallmeyer explained that the section in current form includes deductions, modifications, and additions to taxable income. Ms. Wallmeyer stated that she worked closely with the Department of Taxation (the Department) in drafting the proposed bill before the Commission.



The proposed bill does not make any substantive changes and divides § 58.1-322 into four sections, with § 58.1-322 covering the basic premise of the section. Additions to income are in § 58.1-322.01, subtractions are in § 58.1-322.02, deductions are in § 58.1-322.03, and additional modifications are in § 58.1-322.04. The Department advised that any expired provision should be left in the Code for five years after expiration; therefore, provisions that have been expired for more than five years are removed in the proposed bill. Other changes are for correcting grammar and punctuation or updating text. The proposed bill also includes other Code sections with references to current § 58.1-322 that are amended to reflect the correct new Code section.

Mr. Calhoun proposed that, subject to input from the Department, the proposed bill should include amendments to § 58.1-321 that remove obsolete provisions. Delegate Jim LeMunyon asked if any stakeholders other than the Department had been contacted. Ms. Wallmeyer replied that she planned to take that step once the Commission approved the proposed bill.

Staff will follow up with stakeholders and present a revised proposal based on the discussion regarding § 58.1-321 at a future meeting.

### **Recodification of Title 55, Property and Conveyances**

*Amigo Wade, Senior Attorney, Division of Legislative Services*

Subtitle III, Rental Conveyances. The Commission reviewed and discussed proposed Chapters 1 (General Provisions) and 2 (Virginia Residential Landlord and Tenant Act) of Title 55.1 as presented by Mr. Wade. Mr. Wade explained that Chapter 1 applies to all residential tenancies, following the structure of the Uniform Residential Landlord and Tenant Act, which was recently revised by the Uniform Law Commission.

### **Treatment of Enactments and Other Uncodified Acts Passed by the General Assembly**

Mark Vucci, Acting Director, Division of Legislative Services, stated that the Commission requested that staff present a policy regarding codification of Section 1 bills and explained that such codification is generally done when provisions in the acts have general or permanent application. Mr. Vucci described examples for which Section 1 bills are appropriate, such as pilot projects and sales of surplus property of the Commonwealth. He noted, however, that some Section 1 bills are of a general or permanent nature and should be codified under § 30-148 of the Code of Virginia.

Jane Chaffin, Code Commission Staff Director, explained the current process for changing a Section 1 bill to a codified section, which is determined by the Executive Committee of the Commission. E.M. Miller stated that the Commission delegated that authority to the Executive Committee many years ago.

Delegate Habeeb stated that he does not believe that the Commission should change a Section 1 bill to a codified section. He added that a bill should remain either codified or uncodified as designated by the General Assembly and should reflect the Acts of Assembly as closely as possible.

The Commission decided to defer the discussion and will revisit the issue at a future meeting.

## **Virginia Code Commission**

**Senator John S. Edwards, Chair**

Jane Chaffin, DLS Staff

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## Virginia Conflict of Interest and Ethics Advisory Council

*August 17, 2016*

The Virginia Conflict of Interest and Ethics Advisory Council (the Council) met in Richmond on August 17, 2016, Judge Patricia L. West, chair, presiding.

Judge West informed the Council and the public that there would be no public comment on the subject of the new proposed forms that day due to time constraints. She stated that the Council will be accepting public comment on the proposed forms by email for 30 days after the meeting.

Mark Vucci, Acting Director of the Division of Legislative Services, introduced Stewart Petoe, the Council's new Executive Director.

Rebekah Stefanski, Staff Attorney for the Council, presented the draft versions of the conflict of interest forms. She explained that the goal in creating the new forms is to promote consistency, with a focus on making the forms more user friendly. Ms. Stefanski explained each form in detail, pointing out the changes that were made to the current forms.

Mr. Vucci made a presentation recapping the June 15 filing deadline and discussed what an appeals process for filing deadline extensions would involve. He recommended that the Council extend the ability to grant extension requests to Mr. Petoe. The motion was unanimously approved by the Council.

Judge West asked for public comment on any matter other than the draft forms. She noted that the forms are available for review on the Council website. She stated again that public comment on the draft forms would be accepted via email for 30 days after the meeting.

### Virginia Conflict of Interest and Ethics Advisory Council

**The Honorable Patricia L. West, Chair**

Stewart Petoe, Executive Director

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## Health Insurance Reform Commission

*September 27, 2016*

The Health Insurance Reform Commission (HIRC) held its second meeting of the 2016 interim on September 27, 2016, in Richmond, with Delegate Kathy J. Byron, chair, presiding.

### Step Therapy

Delegate Glenn Davis, patron of HB 362 from the 2016 Session, introduced the topic of step therapy, a process whereby an insurer establishes a specific sequence in which prescription drugs for a certain medical condition are medically appropriate and covered by a health plan. Under step therapy, coverage of a prescription medication is often conditioned on a patient's first trying an alternative medication, often generic, without success. Delegate Davis gave a personal testimonial about his wife's struggle to obtain needed medicine that her doctor prescribed because of step therapy protocols in place under her health insurance coverage.



Delegate Davis introduced Denise Marksburg and Marcus Jones, who each provided personal testimony about the difficulty of obtaining required medication due to step therapy protocols. Ms. Marksburg testified that she has rheumatoid arthritis and goes through an appeals process each time her medication is changed and that she has been following step therapy protocols for four years. Mr. Jones, Chair of Government Relations for the Multiple Sclerosis Society for West Virginia and Virginia, testified that the generic drug that his wife was required to try before gaining access to the drug originally prescribed by her doctor was ineffective and left her very weak. When she eventually obtained the prescribed drug, Mr. Jones testified, her quality of life improved significantly.

Senator Bill DeSteph, Jr., patron of SB 331 and SB 332 from the 2016 Session, related to step therapy, testified about the importance of this issue and of the doctor-patient relationship. Step therapy protocols can interfere with the choices made by the patient and the prescribing doctor. The prescribing doctor, rather than the insurance company, knows the patient best.

Delegate Davis introduced Dr. Kent McDaniel, a psychiatrist with Henrico Area Mental Health and Developmental Services. A handout from Dr. McDaniel is available on the HIRC website at <http://dls.virginia.gov/commissions/hir.htm?x=mtg>. Dr. McDaniel testified about his concerns regarding step therapy and the algorithms used by the insurance companies to create the step therapy protocols. The algorithms are based on population studies rather than on the unique characteristics of the patient. For patients with mental health needs, he maintained, it is very important to provide the right drug the first time instead of trying something else first to see if it fails; the failure of medication could mean that such patients end up in the hospital or in jail. Additionally, such patients often miss follow-up appointments or grow distrustful of medication, so it is detrimental to their health to spend time on potentially ineffective medication. Obtaining prior authorizations is time consuming, and Dr. McDaniel reported that he sometimes pays for patients' medication out of pocket rather than waiting for the prior authorizations. Dr. McDaniel stated that his group records the time spent on obtaining prior authorizations, which totals 1,500 hours a year. Senator Frank Wagner asked if he receives automatic authorization for patients with Medicaid or Medicare, and Dr. McDaniel responded that he does with Medicaid but not with Medicaid HMO.

Dr. Olabisi Oshikanlu, Medical Director for Aetna, spoke on behalf of the Virginia Association of Health Plans. Her presentation is available on the HIRC website. Dr. Oshikanlu explained that health plans develop their step therapy programs in accordance with Virginia law, which requires that health plans have a Pharmacy and Therapeutics Committee (P&T Committee) comprising independent practicing physicians and pharmacists to develop the drug formularies. The purpose of the step therapy protocols is to ensure that doctors are using approved medications rather than prescribing medications because they are being promoted by pharmaceutical companies or requested by a patient on the basis of advertising. The goal is to use effective, less risky drugs before advancing to potentially more risky and expensive options. Dr. Oshikanlu stated that Aetna uses a holistic approach to managing mental health, in which case managers follow the patient and ensure that methods of care beyond just medication are being employed. "Transition Fill" programs, which permit a one-time fill for the medication to allow time for the prior authorization to occur, are available for most maintenance medications. Step therapy programs ensure portability because, by state law, once patients go through step therapy, they will not have to repeat the steps even if they go to a new plan so long as they can prove that they completed the steps. Costs are a motivating factor in step therapy programs because of the high cost of prescription drugs, particularly specialty drugs. These high-cost drugs can increase noncompliance if patients can't afford the deductible, which leads to a burden on the health system and other negative consequences. Prior authorization policies are on the health plan websites, and health professionals handle the calls.



Delegate Byron requested the percentage of prior authorizations denied, and Senator Rosalyn Dance, after speaking to the importance of specialization and expertise within the medical field, requested a breakdown of the makeup of the P&T Committee. Dr. Oshikanlu said that she would be able to provide answers to both inquiries at a later date.

Doug Gray, Director of the Virginia Association of Health Plans, concluded the discussion on step therapy. He testified that managed care is necessary for adequate access to care and that managed care is a group effort with protections in place. He stated that health plans can currently be fined if there are excessive wait times and that if the providers are having issues with work hours spent on prior authorizations, they should be reporting those instances to the Bureau of Insurance (BOI).

### **Bureau of Insurance Presentation**

*David Shea, Bureau of Insurance*

Mr. Shea presented an update on rate filings and an analysis of cost trends. The presentation and additional handouts are available on the HIRC website.

Prior to July 1, 2013, no small group rates required approval, and the plans were permitted to employ rating variables, so it was very difficult to make accurate comparisons between companies and plans. Since July 1, 2013, all individual and small group plans have been required to obtain prior rate approval from the BOI, and fewer rating variables are permitted, so it is easier to compare plans and companies. Virginia is a fully effective rate review state, as determined by the federal Department of Health and Human Services' Center for Consumer Information and Insurance Oversight.

Maximum out-of-pocket limits are rising, and average rate increases have grown over time. Mr. Shea reminded the HIRC that this is only the third year of rate filings in the new marketplace and that in previous years the insurance carriers had no experience on which to base their predictions. The new pools of patients are more unhealthy than expected, but this could decrease as the pools grow. Rates may become more stable as carriers become more experienced at predicting rates in the new marketplace, as coverage expands, and as the pools get larger and therefore more stable and predictable. Some of the plans that left the marketplace were part of a larger parent company that still offers coverage, and Virginia has a competitive market with a substantial number of carriers.

Delegate Byron asked if available data exists showing the compliance rates with the Affordable Care Act (ACA) and how many people are paying the fine rather than obtaining coverage. Mr. Shea responded that the Internal Revenue Service is the agency that would have this data and that the Bureau of Insurance does not have access to this data.

The ACA Risk Corridor program is a temporary program to help stabilize premiums due to underpricing or overpricing. Carriers that make more than the targeted amount pay into the program and carriers that make less than the targeted amount receive money from the program. Payouts must equal pay-ins. For 2014, carriers received only 12.6% of what they requested. Any shortfall from 2014 (about \$2.5 billion) will be paid from the revenue collected in 2015 before any carriers are paid for any 2015 shortfall.

Mr. Shea reviewed various potential rate change scenarios that demonstrate that rate changes from pre-2013 to post-2013 depend on a number of factors. Because carriers can no longer adjust prices due to rating variables, the change in rates will vary greatly between policyholders depending on what advantage or disadvantage the policyholders received from the rating variables.

Mr. Shea reviewed the rate change history and statistics related to the most popular ACA plans in Virginia. Both of these documents are available on the HIRC website. He noted that there is not much



change from year to year in the most popular plans, and that the individual market has much higher deductibles in the most popular plans than does the small market.

### **Virginia Health Information (VHI): All-Payer Claims Database (APCD)**

*Michael Lundberg, Executive Director of VHI*

*Kyle Russell, APCD Program Manager*

Mr. Lundberg thanked the HIRC for having VHI present at the meeting and provided an introduction of VHI. The background on VHI is available on the HIRC website. VHI is a nonprofit organization with a board of directors that represents both public and private stakeholder groups.

Mr. Russell continued the presentation. VHI has representatives from a diverse group of health care stakeholders, including businesses, consumers, hospitals, health insurance companies, physicians, nursing facilities, and state officials. VHI publishes health information on a wide variety of topics such as HMOs, patient satisfaction, long-term care, and obstetrical services. This information is made available to the public on the VHI website, [www.VHI.org](http://www.VHI.org).

Virginia's APCD, established in 2012, is a voluntary database that provides a centralized information hub. The APCD is an aggregation of paid health insurance claims. Forty percent of the costs to operate the APCD are paid by the insurance companies that participate. The APCD has been used to monitor pharmacy use across the state and in comparison with national and Virginia benchmarks, which has been helpful in understanding opiate use.

The Healthcare Pricing Transparency report, developed in 2008, details average costs by site of care, including physician offices, surgical centers, hospital inpatient facilities, and hospital outpatient facilities. The current health care pricing report provides information about the various procedures and a breakdown of cost by site of care and provides the average allowed amount for each service involved in the procedure (e.g., facility, surgeon, anesthesiologist, etc.). This information is available on the VHI website. The APCD will be used to update and enhance VHI's 2016 report, and it will allow VHI to analyze all individual claims rather than to rely on averages from the insurers. Future analyses will have regional breakdowns as well as site-of-care breakdowns. The APCD will also allow the VHI to add to the services on which it currently reports. The new report from VHI should be available later this fall.

### **Inborn Errors of Metabolism: HB 601**

Delegate Byron announced that she has been working with Delegate Kathleen Murphy, patron of HB 601 (2016), to respond to the issues regarding inborn errors of metabolism that were raised by a constituent. It appears that the main issue may be self-insurance, which is not addressed in the bill, rather than a legislative issue. Until this is resolved, the HIRC will not be addressing this issue.

### **PhRMA: Role of Pharmaceuticals in the Marketplace**

*Sharon Brigner, Deputy Vice President of State Advocacy for PhRMA*

Ms. Brigner provided the HIRC with an update on the role of pharmaceuticals in the marketplace. The materials from this presentation are available on the HIRC website.

There has been widespread discussion about the cost of medicines. Brand prescription drugs were only 2.8% of the total 2015 Virginia Medicaid spending; 4.2% of the total was from generic prescription drugs. A massive spike in prescription medication spending growth occurred in 2014, due to FDA approval of more than 40 drugs, including a cure for Hepatitis C; almost no new drugs going off patent;

and about 15 million people receiving drug coverage as a result of the ACA. Government actuaries project that growth in prescription drug spending will remain between 5–7% through 2024.

Average net brand price growth is lower than list price growth as a result of increased rebates. List prices also exclude government-mandated discounts. If a drug is covered by Medicaid, drug manufacturers pay a rebate to the state and the Centers for Medicare and Medicaid Services based on a statutory formula. In 2015, drug manufacturers paid Virginia rebates totaling \$419 million.

The average dollar increase in monthly premiums for 2016 individual small group plans was \$25.26, and only \$3.29 was from prescription drugs; \$14.12 was due to hospital and professional costs. Overall growth in retail drug prices has been in line with other health care prices.

According to Ms. Brigner, adherence to medicines lowers total health spending for chronically ill patients, and prescription drugs are often the most cost-effective means of preventing and treating disease. A 2013 IMS Health study estimated that the U.S. health care system could save \$213 billion annually if medications were used properly. Delegate David Yancey asked how the health care system can get people to finish their medications. Ms. Brigner responded by describing how Minnesota has employed comprehensive medication management through Medicaid. She explained that comprehensive medication management involves counseling the patient as to the importance of finishing the medicine as well as completing regular checkups to monitor the effects of the medicine and to discuss the importance of managing medicine responsibly. This type of program can be costly to implement but can lead to cost savings. Discharge counseling with the patient can also be an effective tool for ensuring medicine management.

## Conclusion

Before adjourning the meeting, Delegate Byron announced that she was polling for dates for the next meeting, at which time the HIRC will be discussing abuse-deterrent opioid formularies, COPN, direct primary care, and proton radiation therapy.

## Health Insurance Reform Commission

**Delegate Kathy J. Byron, Chair**

Emma Buck, DLS Attorney

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[dls.virginia.gov/commissions/hir.htm](http://dls.virginia.gov/commissions/hir.htm)

## Joint Commission on Technology and Science

*September 29, 2016*

The Joint Commission on Technology and Science (JCOTS) held its second meeting of the 2016 interim on September 29, 2016. Delegate Rich Anderson, chairman of JCOTS, called the meeting to order and welcomed Senator Siobhan Dunnivant, who was recently appointed to JCOTS.

## Revised Uniform Fiduciary Access to Digital Assets Act (UFADAA)

The meeting opened with a series of presentations related to the Revised Uniform Fiduciary Access to Digital Assets Act (UFADAA). The Uniform Laws Commission originally adopted UFADAA in 2014



to address access to digital assets such as email, online photos or music, or other digital accounts. The uniform law would have created a presumption to access by a deceased person's personal representative, as well as by a person's guardian or custodian in certain circumstances. Access would have been provided not only to the record of a digital communication (i.e., the "envelope" or the to/from field of an email), but also to the content of the communication. The uniform act was subject to substantial opposition from privacy advocates and the technology community, and concerns were raised about a potential conflict with the federal Electronic Communications Privacy Act (ECPA).

In response to these concerns, Virginia adopted the Privacy Expectation Afterlife and Choices Act (§ 64.2-109 et seq. of the Code of Virginia) (PEAC) in 2015. This act was much more limited in scope, applied only to personal representatives of deceased persons, and created a process whereby a personal representative could petition a court for access to the records of electronic communications if certain criteria were met.

However, due to the concerns raised regarding the original UFADAA, the Uniform Law Commission revised UFADAA in 2016. The Uniform Laws Commission worked closely with the technology community and addressed concerns raised about privacy and interaction with the ECPA. Groups that opposed UFADAA originally in Virginia now would support repealing PEAC and adopting in its place the Revised UFADAA. Members of JCOTS were provided with a copy of the Revised UFADAA, along with other supporting documentation, including what a bill in Virginia would look like. The chief counsel of the Uniform Law Commission briefed JCOTS on the Revised UFADAA, and a representative of AOL, Inc., provided supporting comments. A copy of all of the materials related to UFADAA is available on the JCOTS website.

Delegate Anderson suggested that members take the time to review the Revised UFADAA materials between now and the December JCOTS meeting, and he indicated that he would ask the members at that time if they wished to endorse the repeal of PEAC and the adoption of the Revised UFADAA by the 2017 Session of the General Assembly.

### **Study Updates**

JCOTS staff provided a brief update on the study of SB 531 (Surovell), related to digital authentication of public records, which was referred to JCOTS for study by the 2016 Session of the General Assembly. A staff work group meeting was held in August to discuss issues raised by the bill. Senator Scott Surovell indicated that his intent is not to require authentication of all public records, but instead to have a process in place that would allow a clerk of court to digitally authenticate an electronic record created by a state or local entity and entered into evidence. Staff was directed to review the approaches of other states, and staff is currently working with Senator Surovell to generate a bill to be circulated among the work group members.

Next, JCOTS staff provided an update on the aviation and aerospace study currently underway, as directed by HJ 97 (Yancey) and SJ 97 (Newman) by the 2016 Session of the General Assembly. The study resolution contains several elements, and staff provided a brief update on the work done to date on each element. A copy of the PowerPoint slides summarizing the work to date is available on the JCOTS website. Senator John Cosgrove, Jr., noted that the breadth of the study is quite large and that one interim is likely not sufficient to complete all of the work. He suggested that the report that is presented this year will likely need to recommend further study on a number of issues identified related to aviation and aerospace.

Delegate Anderson called for public comment. Guy Rohling, representing Google, advised JCOTS of the recently announced unmanned system pilot program being conducted at Virginia Tech. “Project Wing” will allow for delivery of Chipotle burritos in a closed site at Virginia Tech. Members of JCOTS requested a follow-up briefing on the program. Patrick Cushing with Williams Mullen advised JCOTS of the launch of the newly created Unmanned Systems Association of Virginia, a private organization focusing on land, air, and sea unmanned systems. He said that the association was launched as a recommendation of the Governor’s Unmanned Systems Commission.

### Next Meeting

The next JCOTS meeting will be on Monday, December 12, at 10:00 a.m. in House Room C of the General Assembly Building.

## Joint Commission on Technology and Science

### Delegate Richard L. Anderson, Chair

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## Joint Subcommittee to Evaluate Tax Preferences

*August 29, 2016*

The Joint Subcommittee to Evaluate Tax Preferences (the Joint Subcommittee) met on August 29, 2016, in Richmond, with Delegate Lee Ware, chairman, presiding. The Joint Subcommittee elected Senator Emmett W. Hanger, Jr., as vice-chairman.

### Virginia Historic Rehabilitation Tax Credit

The meeting focused on the Virginia historic rehabilitation tax credit. Kathleen Kilpatrick, Curator of the Virginia Capitol and Executive Director of the Virginia Capitol Square Preservation Council, made a presentation on economic opportunity and revitalization through historic rehabilitation. She pointed out that the benefits of leveraging historic rehabilitation by the private sector through the tax credit include job creation; increase in property tax revenue; creation of sites for businesses, service and cultural organizations, and homes; and the revitalization of communities. Ms. Kilpatrick said that the Department of Historic Resources maintains a close and rigorous oversight of projects to ensure the integrity of the program and prevent fraud. She noted that the tax credit program serves the entire state.

The handout for Ms. Kilpatrick’s presentation, along with all the scheduled speakers, is posted at the Joint Subcommittee’s website, <http://dls.virginia.gov/commissions/tax.htm>.

John Accordino, Professor and Director of the VCU Center for Urban and Regional Analysis, spoke about the findings from his study in 2014 of the economic impact of the rehabilitation tax credit in Virginia. Dr. Accordino said that although his study concerned the economic impact of historic rehabilitation, historic preservation also has aesthetic, social, and environmental impacts. Dr. Accordino’s 2014 study, which covered the period January 1997 through October 2013, found that the historic rehabilitation tax credit program involved 2,375 projects having expenditures of \$3.97 million, with tax credits totaling \$986 million. His data showed that the amount of state tax credits across the



state ranged from a high of \$527 million in the Richmond area to a low of \$3.2 million in the Blacksburg-Christiansburg-Radford area. In a survey of investors of projects, 85 percent said that they would not have completed their projects without the state tax credit. Dr. Accordino pointed out that his 2014 study did not include the post-construction economic impact of the projects and surrounding areas such as the use of the historic buildings (e.g., retail, hotel, etc.) and the resulting generation of income tax, sales taxes, local license tax, and local property tax revenue. Delegate Jimmie Massie, requested that Dr. Accordino analyze these additional economic factors and calculate the rates of return for state and local investments.

Staff for the Joint Subcommittee presented information on historic rehabilitation tax credits in other states, focusing on other state laws concerning caps, credit amounts, transferability, and prioritization regarding their historic rehabilitation tax credits. Out of the 33 states that have the tax credit, 16 have an overall annual cap on the dollar amount of credits that may be awarded. These caps range from a low of \$1.5 million in Vermont to a high of \$140 million in Missouri. Nineteen states have a per project cap, and 14 states have both types of caps. The amount of the credit (rate) ranges from a low of five percent of qualified expenses in Wisconsin for commercial projects to a high of 50 percent in New Mexico. Most states have a credit amount of 20 or 25 percent. Seventeen states have multiple credit amounts for different types of projects. For example, seven states provide a higher credit rate for owner-occupied projects than commercial projects, and four states provide a higher credit rate for projects involving affordable housing. Regarding whether credits may be transferred either directly or indirectly (i.e., through disproportionate ownership in a pass-through entity), 17 states permit direct and indirect transfers, six permit only indirect transfers, and one state, Pennsylvania, permits only direct transfers. Regarding prioritization of projects, states use various criteria. For example, Ohio provides credits only for projects where a cost/benefit analysis shows a net revenue gain in state and local taxes.

The Department of Taxation provided additional revenue-impact information in response to questions that had been raised by subcommittee members at the June meeting. This information included the number and amount of credits claimed each year; the type of tax involved (i.e., income, bank franchise, or insurance premiums tax); and the federal income level of taxpayers claiming the credit.

Julie V. Langan, Director of the Department of Historic Resources, provided information in response to questions raised at the prior meeting. A copy of these questions and answers as well as the remainder of Ms. Langan's presentation is available on the Joint Subcommittee's website. Ms. Langan also presented additional information, including recent procedural and regulatory revisions to the program that ensure compliance with the program. She said that less than one percent of total buildings were involved in more than one project. Ms. Langan provided a chart on the distribution of projects according to the total amount of qualified expenses that showed that the largest percentage of projects, 45 percent, had total qualified expenses between \$250,000 and \$1 million. Further, she said that 31,000 jobs are spawned by all the projects between 1997 and 2013, representing \$1.53 billion of labor income. Ms. Langan then spoke about certain projects in various parts of the state.

### **Public Comments**

The Joint Subcommittee allocated 30 minutes for public comment and heard from architects, investors, localities, religious organizations, and other advocates of the historic rehabilitation tax credit. Everyone who spoke was in favor of continuing the tax credit. Due to the high volume of individuals wishing to provide comment, Delegate Ware asked those who did not have an opportunity to address the committee to please send written comments via email to [taxpreferences@dls.virginia.gov](mailto:taxpreferences@dls.virginia.gov). Members of the committee requested that commenters not only state their support of the program in its current form but

also comment on (i) whether the credit should remain at 25 percent of the investment, (ii) the effect of a potential cap (aggregate or individual) on the credits, and (iii) whether any prioritization should be included in the program.

*September 22, 2016*

The Joint Subcommittee to Evaluate Tax Preferences (the Joint Subcommittee) held its third meeting of the year on September 22, 2016, in Richmond, with Delegate Lee Ware, chairman, presiding.

### **Virginia Historic Rehabilitation Tax Credit**

Staff from the Department of Taxation (the Department) provided information related to the Virginia historic rehabilitation tax credit that was requested at the last meeting. Specifically, the Department looked at the number of returns claiming the credit and the amount of credit claimed, broken out according to federal adjusted gross income. The data indicated that higher-income individuals have claimed a substantial amount of the credits, but staff cautioned that those figures could include income and credits claimed by partnerships, which file taxes as individuals. A copy of the updated revenue data is available on the Joint Subcommittee website.

The Joint Subcommittee discussed whether to make a recommendation at this meeting regarding the historic rehabilitation tax credit. Senator Hanger indicated that he thought the Joint Subcommittee might need more time to study all of the information that had been provided and that aiming to make a recommendation in time for the 2017 Session of the General Assembly might not be realistic. Delegate Peter Farrell said that he agreed but that he wanted to make sure that the Joint Subcommittee did revisit the topic next year and take action regarding the credit.

### **Neighborhood Assistance Tax Credit**

The focus of the meeting shifted to the Neighborhood Assistance Tax Credit (the NAP Credit). Item 1(S) of Chapter 780 of the Acts of Assembly of 2016 (the appropriation act) directed the Joint Subcommittee to review the NAP Credit and to make recommendations regarding the program structure, eligibility requirements, distribution of funding, or overall funding amounts to the General Assembly. Staff provided a draft report outlining how the credit works and the revenue impact, along with a review of similar tax credit programs offered in other states. The NAP Credit is a complicated credit, with credits allocated to certain nonprofit organizations that provide services to low-income individuals to, in turn, provide such credits to individuals or businesses that donate money or services to the nonprofit. The Department of Education (DOE) administers the allocation of credits to nonprofits with educational programs, and the Department of Social Services (DSS) administers the allocation of credits to other eligible organizations. Through changes in the Code of Virginia over the years, as well as guidelines adopted by DOE and regulations adopted by DSS, the two parts of the program do not always operate in parallel. A copy of the draft report is available on the Joint Subcommittee website.

Questions were raised by the members of the Joint Subcommittee regarding why the program is split between DOE and DSS, how credits are allocated to organizations, and how many of the credits are used for donations of services, as opposed to monetary donations. Delegate Kathy Byron, who is not a member of the Joint Subcommittee, addressed the Joint Subcommittee briefly regarding a bill she carried during the 2016 Session of the General Assembly that would have addressed the method to allocate credits. She cautioned the Joint Subcommittee that it should review this process to ensure that it is equitable, as is required by law. Retired Senator Walter Stosch, a longtime advocate for the NAP



Credit program, addressed the Joint Subcommittee to highlight the important work being done by nonprofits that the program helps to support.

### **Public Comment**

Delegate Ware asked for public comment. Various representatives of nonprofit organizations spoke in support of the NAP Credit generally but voiced different opinions as to how credits should be allocated or whether current processes should be reviewed or amended.

## **Joint Subcommittee to Evaluate Tax Preferences**

### **Delegate Lee Ware, Chair**

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## **Joint Subcommittee to Study Mental Health Services in the Commonwealth in the 21st Century**

*October 26, 2016*

The Joint Subcommittee to Study Mental Health Services in the Commonwealth in the 21st Century (the Joint Subcommittee) held its fifth meeting of 2016 on October 26, 2016, in Richmond, with Senator Creigh Deeds, chair, presiding.

### **Update on the Activities of Work Group #2: Criminal Justice Diversion**

Delegate Robert Bell, the chair of Work Group #2, updated the Joint Subcommittee on its activities. He noted that at its meeting earlier in the day, the work group heard testimony from three former employees of the Office of the State Inspector General (OSIG) concerning deficiencies in the investigation conducted by OSIG into the death of Jamycheal Mitchell while in the custody of the Hampton Roads Regional Jail. The work group then discussed which entity would be best equipped to investigate in-custody deaths of inmates in jails with relevant stakeholders, including representatives of the sheriffs and the regional jails. Delegate Bell reported that the work group is exploring the possibility of providing the Board of Corrections (BOC) with the authority to conduct such investigations but that discussions were still ongoing.

Delegate Bell then enumerated the three legislative proposals developed in conjunction with the expert advisory panel assisting the work group that would be presented at the final meeting of the Joint Subcommittee in December:

- Provide authority to an appropriate entity, possibly BOC, to investigate in-custody deaths in jails.
- Require the use of a standardized instrument upon intake of persons into jails to screen for mental illnesses.
- Require the Department of Behavioral Health and Developmental Services (DBHDS) to develop a plan for the provision of discharge planning services for persons being released from jail that



ensures that each jail in the Commonwealth has access to such services. The plan shall include an estimate of the cost of providing discharge planning services as well as an estimate of any cost savings that may result from the provision of such services.

Delegate Bell concluded by noting that the work group plans to focus on specific models for diverting persons with mental illness from the criminal justice system during the 2017 interim.

### **Update on the Activities of Work Group #3: Mental Health Crisis and Emergency Services**

Delegate Scott Garrett, the chair of Work Group #3, updated the Joint Subcommittee on its activities. Delegate Garrett explained that the work group, with the assistance of its expert advisory panel, had concentrated on three topics:

- The use of alternative transportation providers for persons subject to the emergency custody and involuntary admission processes.
- The use and availability of telemental health services.
- The establishment of psychiatric emergency services units.

With regard to telemental health services, Delegate Garrett noted that the work group strongly recommends expansion of the use of such services, particularly in areas of the Commonwealth where the needs of the community for mental health services outstrip the number of mental health service providers available. However, the work group has identified several impediments to expanding the use of telemental health services, the most problematic being federal laws affecting the ability of medical professionals to prescribe medication for a patient without a face-to-face interaction.

Turning to alternative transportation, Delegate Garrett described the existing pilot program established pursuant to a DBHDS grant in the Mt. Rogers community services board (CSB) service area and remarked that the program has successfully transported numerous individuals without incident during its operation.

Finally, as to the establishment of psychiatric emergency services units, Delegate Garrett explained that such units are designed as an alternative to hospital emergency departments as a means for individuals experiencing mental health crises to obtain treatment. Delegate Garrett noted that such units may reduce the costs associated with psychiatric boarding (i.e., the length of time an individual experiencing a mental health crisis waits in a hospital emergency department for a psychiatric inpatient bed); however, the work group and its expert advisory panel are still attempting to determine the costs associated with psychiatric boarding in the Commonwealth and the potential cost benefits that may result from the establishment of psychiatric emergency services units.

Delegate Garrett then stated that the work group would be presenting two legislative proposals at the final meeting of the Joint Subcommittee in December:

- Require DBHDS and other relevant stakeholders to develop a model for the use of alternative transportation providers, including the criteria for the certification of such providers and the costs and benefits associated with the implementation of the model.
- Amend Virginia's laws to facilitate the use of telemental health services to the extent allowable under federal law.



### **Update on the Helping Families in Mental Health Crisis Act**

Stuart Gordon, Director of Policy, National Association of State Mental Health Program Directors, via conference call, provided an overview of the provisions of the federal legislation currently before the U.S. Congress that establishes the Helping Families in Mental Health Crisis Act (Act). Mr. Gordon stated that the U.S. House of Representatives version of the Act (H.R. 2646) has passed the House while the U.S. Senate version (S. 2680) has been voted out of the Senate Health, Education, Labor, and Pensions Committee but has not been acted on by the full Senate.

Mr. Gordon highlighted the provisions of both versions of the Act as well as the differences between the two versions. Among the Act's provisions are the following:

- Creation of a National Treatment Referral Routing Service to assist individuals in locating mental health treatment providers.
- Grants for states to enhance community-based crisis response systems and to develop and maintain a database of available beds at inpatient and other facilities.
- Requirement that a state receiving mental health block grants include in its plan a description of how the state will provide a community-based system of care for persons with mental illness and coordinate the delivery of services to such persons.
- Grants to states for treatment and recovery for homeless persons with substance use disorders.
- Grants for jail diversion programs.
- Grants for the training of mental health professionals for underserved communities.
- Requirement that the Office of Civil Rights of the U.S. Department of Health and Human Services ensure that mental health providers and patients and their families have adequate information on the appropriate uses and disclosures of protected health information under the Health Insurance Portability and Accountability Act.

After Mr. Gordon completed his presentation, Senator Deeds asked if the Act could be characterized as primarily dealing with funding changes instead of making substantive changes to the law. Mr. Gordon agreed with that characterization. Senator Deeds also inquired if the Act reformed the Substance Abuse and Mental Health Services Administration (SAMHSA) in any way, and Mr. Gordon explained that the Act elevated the position of administrator of SAMHSA to the level of an assistant secretary. In response to Senator Deeds' question regarding whether the Act would pass, Mr. Gordon replied that there will be efforts to pass something during the lame duck congressional session but that he could not predict whether those efforts would be successful.

### **Update on the Activities of Work Group #4: Housing**

Senator Janet Howell, the chair of Work Group #4, updated the Joint Subcommittee on its activities. Senator Howell stated that it is well-established that the best practices for reducing hospitalization and criminal justice utilization and improving stability for persons with serious mental illness is permanent supportive housing. He laid out four legislative proposals developed by the work group in conjunction with its expert advisory panel, all of which relate to permanent supportive housing and will be presented at the final meeting of the Joint Subcommittee in December:

- Provide \$10 million in new funding for permanent supportive housing targeted to address frequent users of high-cost systems (i.e., state psychiatric hospitals and jails).

- Amend the Virginia Housing Trust Fund to require that 20 percent of the Fund be used for (i) supportive services and predevelopment assistance for permanent supportive housing for the homeless and (ii) temporary rental assistance.
- Require the Department of Housing and Community Development, in consultation with other agencies and stakeholders, to develop and implement strategies for housing individuals with serious mental illness.
- Require the Department of Medical Assistance Services (DMAS), in consultation with other agencies and stakeholders, to research and recommend strategies for financing permanent supportive housing through Medicaid reimbursement.

Senator Howell stressed that the \$10 million in new funding for permanent supportive housing is only a first step and that \$100 million would be required to cover the estimated 5,000 individuals in the Commonwealth who are in need of permanent supportive housing.

### **Update on the Activities of Work Group #1: Service System Structure and Financing**

Senator Emmett Hanger, the chair of Work Group #1, updated the Joint Subcommittee on its activities. Senator Hanger began by noting that the work group was considering a mechanism for continuing the work of the Joint Subcommittee after it concludes its study in 2017.

Senator Hanger then proceeded to explain that the work group, with the assistance of its expert advisory panel, has developed four legislative proposals that will be presented at the final meeting of the Joint Subcommittee in December:

- Endorse the goal of the Commonwealth's public mental health system providing access to 10 services that would ensure all individuals with mental illness receive needed services and fully fund the statewide implementation of two of these 10 services: same day access to mental health screening and timely access to assessment, diagnostic, and treatment services (estimated cost: \$1.5 million in FY 2017, \$12.3 million in FY 2018, and \$17.3 million annually thereafter) and outpatient primary care screening and monitoring services (estimated cost: \$3.72 million in FY 2019 and \$7.44 million annually thereafter). The 10 service goals are as follows:
  - Same day access to mental health screening and timely access to assessment, diagnostic, and treatment services;
  - Outpatient primary care screening and monitoring services;
  - Crisis services;
  - Person-centered mental health service treatment planning services;
  - Outpatient mental health and substance abuse services;
  - Targeted mental health case management;
  - Psychiatric rehabilitation services;
  - Peer support and family support services;
  - Mental health services for members of the armed forces and veterans; and
  - Care coordination services.



- Request the Joint Commission on Health Care (JCHC) to review the work group's report on telemental health services and develop recommendations for increasing the use of telemental health services.
- Amend Va. Code § 37.2-818 to allow transmission of records related to involuntary admission proceedings to DBHDS to enable it to maintain statistical archives and conduct research on the consequences and characteristics of such proceedings.
- Manage the utilization of Virginia's state hospitals through the following:
  - Implementation of the census reduction initiatives adopted by DBHDS and the CSBs;
  - Development of budget requests by DBHDS for FY 2018 to stabilize and maintain state hospital utilization at no more than 90 percent of capacity;
  - Continued study by the work group of the statutory, policy, financing, and administrative elements of the current mental health system that are not aligned with the work group's strategic and operational objectives; and
  - Study by DBHDS and DMAS of the potential use of the Involuntary Mental Commitment Fund for both involuntary and voluntary temporary detention.

Senator Hanger noted that during the 2017 interim the work group would be studying restructuring the catchment areas of the CSBs, the financing of Virginia's mental health system, and the potential for the provision of mental health services by private providers.

Upon completion of the reports from the work groups, Senator Deeds discussed the need for a continuing entity to continue the work of the Joint Subcommittee after the expiration of its four-year charge and expressed his preference that JCHC be given sufficient resources to continue the work on an ongoing basis.

### **Public Comment**

The Joint Subcommittee then received public comment from several family members of individuals with mental illness as well as advocates for individuals in need of mental health services.

### **Materials**

Presentations and materials from the meeting can be found on the website of the Joint Subcommittee to Study Mental Health Services in the Commonwealth in the 21st Century at [http://dls.virginia.gov/interim\\_studies\\_MHS.html](http://dls.virginia.gov/interim_studies_MHS.html).

## **Joint Subcommittee to Study Mental Health Services in the Commonwealth in the 21st Century**

### **Senator R. Creigh Deeds, Chair**

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## Commission on Unemployment Compensation

*August 15, 2016*

The Commission on Unemployment Compensation (CUC) met on August 15, 2016, in Richmond. The members unanimously elected Delegate Lee Ware as chairman and Senator Frank Wagner as vice-chairman and welcomed three new members: Senators Rosalyn Dance and Glen Sturtevant and Delegate Joseph Lindsey.

The duties of the CUC include evaluating the impact of existing statutes and proposed legislation on unemployment compensation and the Unemployment Trust Fund (trust fund), assessing the Commonwealth's unemployment compensation programs, examining ways to enhance the effectiveness of these programs, and monitoring the current status and long-term projections for the trust fund.

### Unemployment Insurance Summary

*Ellen Marie Hess, Commissioner of the Virginia Employment Commission (VEC)*

Commissioner Hess provided an overview of the Commonwealth's unemployment insurance (UI) program. She noted that the purpose of the UI program is to provide temporary wage replacement to the regularly employed members of the labor force who become unemployed due to no fault of their own. By being in conformity with requirements of the Federal Unemployment Tax Act, Virginia's UI program allows employers to receive a credit for 90 percent of the \$420 federal unemployment tax that would otherwise be due on the account of each person they employ.

The UI program provides weekly benefits to eligible claimants of a minimum of \$60 per week and a maximum of \$378 per week, with the duration of basic benefits ranging from 12 to 26 weeks. To be eligible for UI benefits, a claimant is required to have earned at least \$3,000 during two quarters of the individual's base period; to be qualified based on the circumstances of separation from employment; and to be able and available for and actively seeking employment.

Benefits under the UI program are funded by three taxes paid by employers into the trust fund. First, the base tax is paid on the first \$8,000 of each employee's wages at a rate that ranges between 0.1 percent and 6.2 percent, depending on the solvency level of the trust fund and the employer's experience rating. Second, a pool tax is assessed at a varying level to recover benefit costs that cannot be assigned to an employer. Third, a fund builder tax of 0.2 percent of the first \$8,000 of an employee's wages is assessed when the solvency level of the trust fund falls below 50 percent.

Commissioner Hess also briefed CUC members on service delivery under the Workforce Innovation and Opportunity Act, a new federal law that requires states to have one-stop service delivery and prohibits stand-alone employment offices. In response to a question by Delegate Kathy Byron, Lyn Hammond of the VEC reported that the Commonwealth has two workforce investment board areas that have not completed the transition to co-located one-stop sites and that a third one-stop site has not fully transitioned. The co-location of all areas is on schedule to be completed by the end of the current administration.

### Unemployment Trust Fund

Commissioner Hess briefed the members on the status of the trust fund and related issues. The trust fund, which is used to pay unemployment benefits to claimants, was reported to have a balance of \$749.7 million on January 1, 2016. One year earlier, the balance was \$448.3 million. The solvency level of the trust fund on June 30, 2016, is projected to be 66 percent. On June 30, 2015, the solvency level was 57 percent. The increase in the trust fund's solvency level has led to lower state unemployment tax



rates, which has contributed to a decline in state unemployment tax revenue from \$678.2 million in 2015 to \$551.1 million in 2016.

The VEC predicted that the trust fund's June 30 solvency level will continue to improve and will reach 69 percent in 2017 and 70 percent in 2018. The balance in the trust fund is expected to grow from \$1.015 billion on June 30, 2016, to \$1.184 billion on June 30, 2020.

The average total state unemployment tax per employee is expected to decline throughout the period 2016-2020. This average tax, which excludes the federal unemployment tax assessment but includes the pool tax and fund builder tax, rose from \$103 in 2009 to \$236 in 2012, then fell to \$234 in 2013, to \$221 in 2014, and to \$194 in 2015. For 2016, the average total state tax was forecast to decline to \$147 per employee, of which \$141.40 was base tax and \$5.60 was pool tax. The current year is the first year since 2009 that a fund builder tax has not been assessed. The average tax per employee is projected to be \$126 in 2017, \$119 in 2018, \$114 in 2019, and \$120 in 2020.

### **Claims and Employment Data**

Total initial claims for unemployment benefits for the first six months of 2016 were 96,306, which is higher than the 94,635 initial claims filed during the first half of 2015. If the trend continues for the balance of 2016, annual claims for the year are projected to total 190,000, which is more than the 186,887 claims filed during 2015 but fewer than the 224,882 claims filed during 2014. Commissioner Hess attributed the 1.8 percent increase in initial claims for the first six months of 2016 compared with the same period in 2015 to increases in layoffs in manufacturing, professional and technical services, and construction.

Final payments of UI benefits in the first half of 2016 are down 15.4 percent from 2015 and down 35.5 percent from 2016. 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 40.2 percent in June 2016; in the corresponding month one year earlier, the exhaustion rate was 41.2 percent.

Virginia's maximum weekly UI benefit of \$378 reflects a weekly benefit replacement rate of 38 percent of the state's average weekly wage in 2016, which is one percentage point lower than the 39 percent replacement rate one year earlier. The national average maximum weekly unemployment benefit in 2016 is \$437, and the national average weekly benefit replacement rate is 43 percent (which is two percentage points lower than the 41 percent replacement rate one year earlier). While Virginia's maximum weekly unemployment benefit is lower than the national average, it is third highest among the six jurisdictions composing the area within the Fourth Circuit Court of Appeals. The Commonwealth's trust fund balance of \$978 million on July 29, 2016, was the third highest, and its average state unemployment tax per employee of \$187 for the year ending September 30, 2015, was the lowest, among these six jurisdictions.

Commissioner Hess reported that Virginia's unemployment rate (not seasonally adjusted) for June 2016 was 4.0 percent. The corresponding rate for June 2015 was 5.0 percent, for June 2014 was 5.4 percent, and for June 2013 was 6.1 percent. Virginia's unemployment rate for June 2016 was the lowest of those of the six Fourth Circuit jurisdictions. The unemployment rates for the month in those five other jurisdictions exceeded the corresponding national rate of 5.1 percent. Virginia's labor force participation rate for June 2016 was 64.8 percent, which exceeded the corresponding rates for the United States (63.2 percent) and three of the Fourth Circuit jurisdictions. In response to questions posed by Delegate Byron, the VEC undertook to provide additional data regarding the number of persons in Virginia who are no longer receiving UI benefits and have ceased actively seeking employment.

## Social Security Offset Issue

Section 60.2-604 of the Code of Virginia requires the VEC to reduce UI benefits otherwise payable to a claimant by the amount of certain pensions or other retirement payments. The Commonwealth has required this offset of pension benefits since 1977, when the General Assembly added the provision that conformed the UI law to changes in federal law. As originally enacted, the pension offset provision applied to social security benefits received by a claimant. However, in 2003, the offset for social security benefits was reduced from 100 percent to 50 percent of the amount of such benefits received by a claimant. In 2005, the General Assembly enacted a measure that suspended the social security offset provision in years when the solvency level of the trust fund exceeded 50 percent. For the ensuing several years the VEC did not offset any claimant's social security benefits against UI benefits because the solvency level exceeded 50 percent.

In 2009, the trust fund solvency level fell to 24 percent, which triggered the reinstatement of the 50 percent social security offset commencing with weeks in January 2010. The solvency level remained below 50 percent until 2015. However, in the 2011 Session, the General Assembly amended § 60.2-604 to eliminate the social security offset completely, commencing with weeks starting after July 1, 2011.

Ronald Green of Norfolk, next friend and father of Tiffany Green, testified to the CUC regarding the circumstances under which the social security offset provision was applied to Ms. Green's UI benefits. Ms. Green has been receiving social security benefits since incurring a traumatic brain injury in 2000. She later obtained employment, which continued until early in 2011. Following her loss of employment, she filed for UI benefits. According to an opinion of Judge John Brown of the Circuit Court of the City of Chesapeake, the VEC determined properly that one-half of Ms. Green's social security benefits of \$100 per week was required to be offset against her weekly UI benefits of \$66 per week, resulting in Ms. Green's being eligible for \$16 per week in UI benefits for the period under review.

Mr. Green recounted his unsuccessful appeals of the decisions of the VEC and the circuit court. He decried the inequity of the application of the provisions of § 60.2-604 as it was then in effect, which required the VEC to reinstitute the 50 percent social security offset for the period that his daughter had applied for UI benefits. The fact that his daughter's UI benefits were reduced during the period between the date the General Assembly adopted the legislation repealing the social security offset requirement and the date the legislation became effective concerned him greatly. He noted that there may be other persons who were also affected by the reinstatement of the partial social security offset.

Delegate Lionell Spruill questioned whether the Green family has suffered an injustice, and he characterized the situation as tragic. Commissioner Hess noted that while the outcome may be tragic, the circuit court found in the case of Ms. Green's appeal that the VEC applied the law properly. Senator Wagner mentioned that there may be options for providing relief for the Green family, including a claims bill or legislation creating a program under which affected persons could apply for compensation. The VEC was asked to determine the number of claimants whose UI benefits were reduced as a result of the social security offset's reinstatement for weeks between January 2010 and July 2010 and to calculate the potential cost of compensation.

## Commission on Unemployment Compensation

**Delegate R. Lee Ware, Chair**

Frank Munyan, DLS Senior Attorney

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## Virginia World War I and World War II Commemoration Commission

*October 17, 2016*

The Virginia World War I and World War II Commemoration Commission (the Commission) met on October 17, 2016, in Richmond, with Delegate M. Kirkland Cox, chairman, presiding. Delegate Cox welcomed Lily Jones, the new Research Associate for the Commission.

### **Proposal: Military Ball of Virginia and WWI 100th Anniversary Lecture - April 2017**

*BG Paul Griffin, Virginia National Guard Director of the Joint Staff*

*Christina Barrille, Director of Legislation and Policy, Department of Military Affairs*

BG Griffin and Ms. Barrille presented an overview of the Virginia National Guard (VNG) Military Ball. In honor of the 100th anniversary of World War I, the VNG proposes partnering with the Commission to expand the existing Military Ball into a larger event to be held April 29, 2017, at the Midlothian DoubleTree Hilton, accommodating up to 700 attendees, including elected officials, foreign dignitaries, veterans, and service members. Ms. Barrille presented a schedule of events to include posting of the colors, a welcome by the Governor and the Adjutant General of Virginia, speakers from the Commission, a formal supper, keynote speaker Roger H.C. Donlon, and a formal dance. The VNG has issued an RFP that includes assistance with web-based registration and individual payment, protocol support, on-site support at the event, and post-event payment and reconciliation.

In addition, Ms. Barrille presented plans for a four-part WWI speaker series, to take place in March and April of 2017 in partnership with local historical societies and libraries, with topics and locations to be finalized by the Commission. She also mentioned that the Virginia Department of Military Affairs (DMA) will purchase five uniforms for a World War I honor guard, which would support certain WWI anniversary events. While the DMA has already secured nongeneral funds to purchase the uniforms, the DMA invited the Commission to share its expectations for use of the WWI honor guard during commemorative events. Chairman Cox suggested that the honor guard be present at the State Capitol during the Reconvened Session, scheduled for April 5, 2017, to mark the 100th anniversary of the United States' entry into WWI on April 6. Staff will work with the clerks' offices to determine the feasibility of such a ceremony.

Members discussed the level of financial support for the events outlined above to mark the 100th anniversary of the United States' entry into WWI (Military Ball and lecture series) and agreed to reimburse direct costs of the events in an amount not to exceed \$10,000, following the execution of a Memorandum of Understanding (MOU).

Delegate John O'Bannon moved that the Commission partner with the VNG to host the Military Ball and WWI speaker series in an amount not to exceed \$10,000. The motion was seconded by Senator Frank Ruff and passed unanimously.

### **Proposal: Battle of Midway 75th Anniversary Symposium and Navy Events - June 2017**

*Laura Orr, Director of Education, Hampton Roads Naval Museum*

*Amanda Williams, Education Manager, MacArthur Memorial*

Ms. Orr presented plans for "The Tide Turns," a Battle of Midway 75th Anniversary Symposium, to take place on June 2, 2017, from 9 a.m. to 4 p.m. at the MacArthur Memorial in Norfolk, Virginia, in partnership with the Hampton Roads Naval Museum. The symposium will be free and open to the public and will feature speakers Elliot Carlson, Anthony Tully, Ronald Russell, and Timothy Orr. An invitation-only evening reception will follow for members of the U.S. military, board members from the



Hampton Roads Naval Museum and MacArthur Memorial, Virginia's World War I and World War II Commemoration Commission members, NATO representatives, local and state representatives, and representatives of the Cities of Norfolk and Virginia Beach. Ms. Williams noted that this would be the third joint symposium for the MacArthur Memorial and Hampton Roads and that past symposiums have attracted diverse audiences of teachers, students, military personnel, and the general public. Ms. Williams invited Chairman Cox to welcome the attendees at the reception. Ms. Orr and Ms. Williams requested \$8,500 from the Commission to cover direct costs for speakers' fees, food and refreshments, event promotion, and site-related costs, pursuant to an MOU to be developed.

Ms. Williams also detailed plans for a next-day commemorative event that will provide an additional draw for the symposium. On June 3, Commander, Naval Air Force U.S. Atlantic Fleet will host a commemoration of the Battle of Midway at the Virginia Beach oceanfront, in partnership with the Hampton Roads Naval Museum, the Virginia Beach Convention and Visitors' Bureau, and other organizations. The event will include a flyover by F/A-18 Super Hornets.

Delegate O'Bannon moved that the Commission partner with the MacArthur Memorial and Hampton Roads Naval Museum to host the Battle of Midway 75th Anniversary Symposium and related events, with direct costs not to exceed \$8,500. The motion was seconded by Delegate Rich Anderson and passed unanimously.

### **Proposal: WWI and WWII Profiles of Honor Legacy Project: Document Scanning and Archive**

*Sandra G. Treadway, Librarian of Virginia*

Dr. Treadway presented plans for the Library of Virginia (LVA) to support a WWI/WWII Legacy Scanning Project, in association with the Commission's *Profiles of Honor* project. LVA would assist the Commission in implementing scanning events by serving as technical consultants; assisting in development of questionnaires for data collection; and receiving, storing, and managing digital scans. LVA would additionally aid the Commission in running transcribe-a-thons using LVA's online crowdsourcing project, *Transcribe*. In assisting the Commission, LVA would provide staff and volunteer training, release WWI and WWII papers and manuscripts for transcription, collect and manage transcripts to make them publically accessible, and promote the Commission's scanning events and transcribe-a-thons through the LVA's wide social media network. The LVA's plans require funding between \$35,000 and \$50,000 per year to hire an archivist to provide technical expertise and to oversee content management.

Dr. Treadway also recommended updates to the scanning equipment used previously in the Civil War 150 Legacy Scanning Project. Costs for the new equipment necessary to implement the project would total \$6,999.88.

In response to questions, staff noted that all equipment would belong to the Commission and that the LVA staff would serve as technical consultants to the project. Chairman Cox noted that this scanning project would be an integral piece of the *Profiles of Honor Tour*.

Delegate Anderson moved to fund the scanning project in an amount not to exceed \$57,000 annually. The motion was seconded by Senator Ruff and passed unanimously.

### **Grant Recommendations: Virginia WWI and WWII Tourism Marketing Program**

*Steve Galyean, Partnerships and Outreach Director, Virginia Tourism Corporation*

Mr. Galyean updated members on the Tourism Marketing Program, which aims to provide funds to local partners for the marketing of events related to the commemoration in an effort to ensure that events



reach a wide audience. After a series of eight partner information sessions, the Tourism Marketing Program received 11 applications for its first round of grants, which closed on August 31, 2016. A review team of Commission staff and VTC staff reviewed the applications and recommended nine for approval, for a total of \$40,080 in grant funding. Two applications did not meet the program's guidelines, and applicants will be encouraged to resubmit after they receive counseling on how to improve the applications. Mr. Galyean noted that if the total amount for the grants were approved, \$59,920 would remain in available grant funds, which would allow the Tourism Marketing Program to open a second round of grants.

Senator Ruff moved to approve the nine recommended grants. Delegate Marcus Simon seconded the motion, which passed unanimously.

Ms. Jackson noted that the number of grant applications in the first round of applications was higher than anticipated and may be high again in the second round, requiring additional funding. The tourism grant project's current total budget is \$100,000.

Senator Ruff moved that the Commission authorize the transfer of an additional \$100,000 to VTC in order to continue funding the Tourism Marketing Program. Delegate O'Bannon seconded the motion, and it passed unanimously. The next round will open December 7.

### **Program Updates**

*Cheryl Jackson, Executive Director*

Ms. Jackson provided updates on a number of programs:

#### **Logo request approval**

Commission staff recommended approval of 16 requests for use of the Commission's logos in promoting local WWI and WWII events. Senator Ruff moved to approve the requests. The motion was seconded by Delegate O'Bannon and passed unanimously.

#### **Dawn of Infamy – America Goes to War: A Tribute to WWII Veterans**

Ms. Jackson provided an update on the Commission's December 8 tribute to World War II veterans, *Dawn of Infamy - America Goes to War*, at the University of Richmond's Robins Center. The program has 270 registrants, with the number steadily increasing, and registration remains open until November 15. Ms. Jackson provided a schedule of the morning's events, requesting Commission members to report at 8:45 a.m. Recent updates to the program's participants include Greg McQuade of WTVR CBS6 as emcee and the Virginia Military Institute Regimental Band, which will provide music in the morning.

Commemorative coins have been designed and ordered to be presented to WWII veterans at the ceremony, and the coins will be mailed to veterans participating in the program off-site. The program will be livestreamed to several outside locations, and simulcast at Sitter-Barfoot Veterans Care Center, where a simultaneous coin recognition ceremony will take place. Ms. Jackson requested that a Commission member attend the program at Sitter-Barfoot to present the coin to WWII veterans attending remotely.

Ms. Jackson also updated the Commission on efforts to promote *Dawn of Infamy*. A press release was distributed to media outlets, and several interviews with local media are pending. Ms. Jackson encouraged members to continue distributing event Save the Date reminders and promoting the event through social media, as well as continuing in the ongoing effort to promote the event to WWII veterans, VFW and American Legion posts, active-duty service members, and museums and historical societies.

### **Profiles of Honor tour**

The Commission's *Profiles of Honor Tour* is currently under construction at Spevco, Inc., and the project is on budget and slightly ahead of schedule. An MOU with DMV, VTC, and LVA is in development. The trailer's exterior design is in its final stages, and the exhibit's navy bridge and M5 Stuart build-out are in progress. Exhibit text and designs were provided to Commission members for their consideration.

The ribbon-cutting for *Profiles of Honor* is scheduled for December 7, 2016, at the Commonwealth's Pearl Harbor Remembrance Ceremony at the Virginia War Memorial. Several applications for 2017 tour stops have already been submitted, with applications for priority consideration due by November 1.

### **Teacher symposium**

A planning group composed of local museums and partners has met to plan for the 2017 WWI and WWII Statewide Teacher Symposium, which will feature a WWI morning program, a WWII afternoon program, and a tour of a local museum. The symposium will take place in eight parts between June 27 and July 26, located in Abingdon, Salem, Norfolk, Richmond, Bedford, Farmville, Winchester, and Fredericksburg. Each program will feature breakout sessions hosted by museums across the state and will vary depending on location to highlight local museums and partners. The *Profiles of Honor Tour* will be onsite at each event.

### **Programs in development**

Several programs are in development for the coming years, including: an LVA WWI pandemic exhibit partnership and speaker series; a program for the 100th anniversary of Armistice Day, to take place at the WWI Memorial Carillon on November 11, 2018, in Richmond; and a program for the 75th anniversary of D-Day on June 6, 2019, in Bedford. The Commission continues its outreach efforts across the state, building on more than 300 local partnerships. WWI and WWII Commission signage is in place at Welcome Centers, and window clings have been distributed. Rack cards to promote the Commission's programs and the work of its local partners are in development.

Commission staff will participate in "Commemorative Communities," a Virginia Association of Museums workshop, and will host a November 3 update session for partners.

### **Next Meeting**

The next meeting of the Commission will be held on January 10, 2017, and has been moved to 9:30 a.m.

## **Virginia World War I and World War II Commemoration Commission**

**Delegate M. Kirkland Cox, Chair**

Cheryl Jackson, Executive Director

804-786-3591 ext. 276

[VirginiaWorldWarI.org](http://VirginiaWorldWarI.org)

[VirginiaWorldWarII.org](http://VirginiaWorldWarII.org)



## Other Legislative Commissions and Committees

The following legislative commissions and committees are not staffed by DLS. They also hold regular meetings during the interim. Visit their websites to obtain full information regarding their meeting dates, agendas, and summaries.

**Virginia State Crime Commission**  
vscc.virginia.gov/meetings.asp

**Joint Commission on Health Care**  
jchc.virginia.gov/meetings.asp

**Joint Legislative Audit and Review Commission (JLARC)**  
jlarc.virginia.gov/calendar.asp

**Virginia Commission on Youth**  
vcoy.virginia.gov/meetings.asp

**House Appropriations Committee**  
hac.virginia.gov/

**Senate Finance Committee**  
sfc.virginia.gov/

## Legislative Meeting Calendar for November and December 2016

November 21	10 a.m.	Virginia Code Commission	6th Floor Speaker's Conference Room, GAB
	1:30 p.m.	Virginia Freedom of Information Advisory Council	House Room C, GAB
	2 p.m.	Virginia Conflict of Interest and Ethics Advisory Council	Senate Room B, GAB
November 28	1:30 p.m.	Joint Committee to Study the Future of Public Elementary and Secondary Education in the Commonwealth Revisions to the Standards of Accreditation, Standards of Learning, and Standards of Quality Subcommittee	4th Floor West Conference Room, GAB
	2 p.m.	Joint Working Group on Certificate of Public Need Reform	Senate Room A, GAB
November 29	2 p.m.	Lobbyist-in-a Box (LIAB) New User Training Session	Suite 660, 6th Floor, GAB
November 30	10 a.m.	State Water Commission	House Room C, GAB
	noon	Virginia Foundation for Healthy Youth Board of Trustees Executive Committee	Virginia Community Healthcare Association, 3831 Westerre Parkway, Richmond
	1 p.m.	Joint Committee to Study the Future of Public Elementary and Secondary Education in the Commonwealth School Leadership and Student Outcomes Subcommittee	4th Floor West Conference Room, GAB

November 30	1:30 p.m.	Joint Committee to Study the Future of Public Elementary and Secondary Education in the Commonwealth Virtual Learning and Education Technology Subcommittee	5th Floor West Conference Room, GAB
December 1	9 a.m.	Lobbyist-in-a Box (LIAB) Review Training Session	Suite 660, 6th Floor, GAB
	4 p.m.	Joint Meeting of Dr. Martin Luther King, Jr. Memorial Commission, Emancipation Proclamation and Freedom Monument Work Group, and Community Representatives King in Virginia Project	House Room D, GAB
	6 p.m.	Dr. Martin Luther King, Jr. Memorial Commission Public Hearing	Lecture Hall, Library of Virginia, 800 East Broad Street, Richmond
December 2	9 a.m.	Joint Meeting of the House Judicial Panel and the Senate Committee for Courts of Justice Judicial Interviews	House Room C, GAB
December 5	9 a.m.	Lobbyist-in-a Box (LIAB) New User Training Session	Suite 660, 6th Floor, GAB
	10 a.m.	Virginia Code Commission	6th Floor Speaker's Conference Room, GAB
	TBA	Virginia State Crime Commission Time, and possibly a new meeting date, to be announced	Senate Room A, GAB
	1 p.m.	Virginia Housing Commission Affordable Housing Work Group	House Room C, GAB
	1 p.m.	Virginia Growth and Opportunity Board	9th Floor Appropriations Room, GAB
December 6	9 a.m.	Joint Subcommittee to Study Mental Health Services in the Commonwealth in the 21st Century Service System Structure and Financing Work Group	3rd Floor East Conference Room, GAB
	10 a.m.	Virginia Commission on Youth	The Faison Residence, 5322 Markel Road, Richmond
	10 a.m.	Joint Subcommittee to Study Mental Health Services in the Commonwealth in the 21st Century	Senate Room A, GAB
December 7	9 a.m.	Chesapeake Bay Restoration Fund Advisory Committee	4th Floor East Conference Room, GAB



December 8	3 p.m.	Lobbyist-in-a Box (LIAB) Review Training Session	Suite 660, 6th Floor, GAB
December 12	10 a.m.	Joint Legislative Audit and Review Commission (JLARC)	Senate Room A, GAB
	10 a.m.	Joint Commission on Technology and Science (JCOTS)	House Room C, GAB
December 13	9 a.m.	Lobbyist-in-a Box (LIAB) New User Training Session	Suite 660, 6th Floor, GAB
December 14	9:30 a.m.	Virginia Housing Commission Common Interest Communities Work Group	House Room C, GAB
	10 a.m.	Virginia Housing Commission	House Room C, GAB
December 15	9 a.m.	Lobbyist-in-a Box (LIAB) Review Training Session	Suite 660, 6th Floor, GAB
	10 a.m.	Joint Commission on Transportation Accountability	House Room D, GAB
	10 a.m.	Hampton Roads Transportation Accountability Commission	The Regional Board Room, 723 Woodlake Drive, Chesapeake
December 16	9:30 a.m.	Joint Meeting of the Senate Committee on Finance with the House Committees on Appropriations and Finance	House Room D, GAB
	2 p.m.	Lobbyist-in-a Box (LIAB) New User Training Session	Suite 660, 6th Floor, GAB
December 19	3 p.m.	Lobbyist-in-a Box (LIAB) Review Training Session	Suite 660, 6th Floor, GAB

GAB: General Assembly Building, Capitol Square, Richmond

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

Complete information on meetings during the 2016 interim is available on the website of the Division of Legislative Services (<http://dls.virginia.gov/commissions.html>).

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