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SENATE JOINT RESOLUTION NO. 66

Offered January 11, 2012

Prefiled January 10, 2012

Approving the Executive Reorganization Plan submitted by the Governor.

Patron—McDougle

Referred to Committee on General Laws and Technology

WHEREAS, Article 2 (§ 2.2-127 et seq.) of Chapter 1 of Title 2.2, entitled Executive Reorganization, directs the Governor from time to time to examine the organization of all executive agencies and determine what changes therein are necessary to (i) promote better execution of the laws, the more effective management of the executive branch of state government and of its agencies and functions, and the expeditious administration of the public business; (ii) reduce expenditures and promote economy to the fullest extent consistent with the efficient operation of state government; (iii) increase the efficiency of the operations of state government to the fullest extent practicable; (iv) group, coordinate, and consolidate agencies and functions of state government, as nearly as may be, according to major purposes; (v) reduce the number of agencies by consolidating those having similar functions under a single head, and to abolish such agencies or functions thereof that are not necessary for the efficient conduct of the state government; and (vi) eliminate overlapping and duplication of effort; and

WHEREAS, Article 2 (§ 2.2-127 et seq.) of Chapter 1 of Title 2.2 requires the Governor to prepare a plan for reorganization and transmit the plan to each house of the General Assembly at least 45 days prior to the commencement of a regular or special session of the General Assembly; and

WHEREAS, on November 25, 2011, the Governor submitted his reorganization plan to the Clerks of the House of Delegates and the Senate of Virginia; and

WHEREAS, Article 2 (§ 2.2-127 et seq.) of Chapter 1 of Title 2.2 requires that, in order to become effective, the Governor's reorganization plan must be approved by the House of Delegates and the Senate of Virginia by resolution in whole or in part. Further, any portion of the reorganization plan may be deleted by either the Senate or the House of Delegates; and

WHEREAS, the Governor's reorganization plan in pertinent detail follows; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Governor's reorganization plan as contained in this resolution be approved; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit a copy of this resolution to the Governor in order that he may be apprised of the sense of the General Assembly in this matter.

GOVERNOR'S EXECUTIVE REORGANIZATION PLAN.

NOVEMBER 25, 2011.

ADMINISTRATION

1. Eliminate the Commonwealth Competition Council.

The Commonwealth Competition Council was created in 1995 as independent advisory body within the executive branch with the goal of finding opportunities for privatization of state government functions. At the time, Virginia was on the cutting edge of privatization of government functions. Today, privatization is frequently discussed throughout government, and the Commonwealth Competition Council is often circumvented as vendors work directly with agencies and take advantage of the PPTA and PPEA processes. The Competition Council meets approximately once a year and, in recent years, has primarily monitored actions happening elsewhere in state government rather than taking the lead role on these efforts. The Commission on Government Reform and Restructuring recommended elimination of the Council in 2011. The Commonwealth Competition Council was created with a laudable goal of promoting privatization. In the years since, it has succeeded in making privatization a common theme in state government and has served its purpose. Elimination of the Council is now appropriate.

2. Eliminate the Interagency Dispute Resolution Council.

The Interagency Dispute Resolution Council should be eliminated, and the Department of Human Resource Management should be authorized to perform agency training seminars and educational programs on the use of dispute resolution proceedings.

The Interagency Dispute Resolution Council was created in 1992 to conduct training seminars, publish educational materials, and report on the use of dispute resolution. The Council is made up of state employees and citizens. Costs of staffing and administration of this board were estimated at almost \$3,000 for FY2011 despite being unfunded by the General Assembly and without offering travel reimbursements to members. Many seats remain unfilled and participation is low. While Alternative

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59 Dispute Resolution is an important tool that can greatly increase efficiencies and effectiveness across  
60 state government, the Council is not necessary to promote its use. It will be more efficient for the  
61 Department of Human Resource Management to manage this function directly.

62 The Commission on Government Reform and Restructuring recommended elimination of the Council  
63 in 2011.

### 64 **3. Eliminate the Virginia Public Buildings Board.**

65 The Virginia Public Buildings Board should be eliminated and the responsibility to assist and advise  
66 the Governor and the Department of General Services in the preparation and maintenance of a  
67 long-range site plan at the seat of government should be transferred to the Capitol Square Preservation  
68 Council.

69 Virginia Public Buildings Board is an advisory board made up of legislators, citizens, and the  
70 Director of the Department of General Services. The Board advises on the preparation and maintenance  
71 of a long-range site plan at the seat of government, and in the determination of the need for the  
72 acquisition of land, buildings and improvements at the seat of government. The responsibilities of the  
73 Board overlap with the Capitol Square Preservation Council, a legislative branch body, which develops  
74 and reviews plans for architectural, historical, archeological and landscape maintenance and  
75 enhancements in Capitol Square. The Board's responsibility for advising on long-range planning should  
76 transfer to the Capitol Square Preservation Council. The Board has met four times in the last seven  
77 years.

78 The Commission on Government Reform and Restructuring recommended elimination of the Council  
79 in 2011.

### 80 **4. Eliminate the Virginia Council on Human Resources.**

81 The Virginia Council on Human Resources should be eliminated, and the Director of the Department  
82 of Human Resource Management should be statutorily empowered to convene ad hoc working groups to  
83 address issues regarding the state workforce.

84 The Virginia Council on Human Resources was created as a statutory means of communicating  
85 employee issues and feedback across the enterprise of state government. Funding for the costs of  
86 expenses is incurred by the Department of Human Resource Management as mandated by Code. In  
87 order to get feedback on specific issues related to state employees, the Department of Human Resource  
88 Management already forms state employee feedback workgroups on issues on an as-needed basis. The  
89 functions of the Council can be performed through ad hoc working groups convened by the Department  
90 of Human Resource Management. The Commission on Government Reform and Restructuring  
91 recommended elimination of the Council in 2011. The Virginia Council on Human Resources should be  
92 eliminated, and the Department of Human Resource Management should be statutorily empowered to  
93 exercise this power and responsibility.

### 94 **5. Merge the Department of Employment Dispute Resolution into the Department of Human 95 Resource Management.**

96 The Department of Employment Dispute Resolution's primary function is to administer the state  
97 personnel grievance process. The Department (DEDR) has eight employees and a budget of over  
98 \$1,000,000. The Department of Human Resource Management is also involved in the employment  
99 grievance process. Merger of the two agencies would result in operational efficiencies and cost savings.  
100 In order to preserve the integrity and legal standing of the employment dispute process, the new office  
101 within the Department of Human Resource Management will have a level of independence to protect the  
102 dispute hearing process.

103 Governor Tim Kaine recommended this merger in 2009 in his introduced budget.

### 104 **6. Merge the Human Rights Council into the Office of the Attorney General.**

105 The functions performed by the Human Rights Council should be transferred to the Department of  
106 Law (Office of the Attorney General), and the Council should be eliminated.

107 The Human Rights Council is an agency of the Commonwealth that accepts complaints of  
108 discrimination from the citizens of the Commonwealth and seeks to resolve those complaints. The  
109 agency has a budget of approximately \$400,000 and a staff of four. The Office of the Attorney General  
110 is already involved in the work of the Council. For example, the Council can only seek prevention of or  
111 relief from an alleged unlawful discriminatory practice with the approval of the Attorney General and  
112 Assistant Attorneys General review determinations to ensure they are compliant with the law. The  
113 Council does not need to be a stand-alone agency. The Office of the Attorney General can take on this  
114 responsibility. While they would likely need some staff to manage this additional responsibility, it could  
115 likely do so at a cost-savings to the Commonwealth as they would likely not need the full complement  
116 of employees currently staffing the stand-alone agency.

117 Additionally, in completing this merger, the Human Rights Council body can be eliminated. The  
118 Council met only once in 2010 and twice in 2009. The Council oversees the work of the staff. Locating  
119 the staff in the Office of the Attorney General will eliminate the need for a governing board.

121 **AGRICULTURE AND FORESTRY**

122 **7. Eliminate the Advisory Council to the Southeastern Interstate Forest Fire Protection**  
 123 **Compact.**

124 The Advisory Council to the Southeastern Interstate Forest Fire Protection Compact provides input to  
 125 the State Forester in his role as a member of the Southern Interstate Forest Fire Protection Compact.  
 126 The bylaws of the Compact require the State Forester to establish an advisory council. However, the  
 127 bylaws are silent as to how the council is formed. If and when there is a need, the State Forester has the  
 128 ability to form an advisory council to meet the Compact's bylaw requirements.

129 The elimination of the Council will not impact DOF operations and ability to meet its role in  
 130 interstate forest fire protection assistance when needed. Existing agreements between USFS and DOF as  
 131 well as compacts with other states allow this agency to work efficiently and effectively in forest fire  
 132 assistance.

133 This was a recommendation of the Secretary of Agriculture and Forestry.

134 **8. Merge the Office of Consumer Affairs into the Office of the Attorney General.**

135 The Office of Consumer Affairs, currently part of the Virginia Department of Agriculture and  
 136 Consumer Services, should be merged into the Office of the Attorney General.

137 The Office of Consumer Affairs, a division of the Department of Agriculture and Consumer Services,  
 138 is the clearinghouse for consumer complaints. The Office handles incoming complaints and investigates  
 139 those complaints. The Office of the Attorney General acts as an advocate for Virginia consumers  
 140 through legal action, consumer alerts, and educational materials designed to protect Virginia consumers.  
 141 Through its Division of Consumer Counsel, the Office is authorized to take action to stop patterns of  
 142 illegal conduct against consumers, and, where appropriate, seek refunds for affected consumers. Having  
 143 two separate agencies managing consumer protection leads to a disjointed system that is confusing for  
 144 citizens of the Commonwealth. Merging the Office of Consumer Affairs into the Office of the Attorney  
 145 General will lead to a more unified and efficient consumer protection operation for Virginia and better  
 146 protect Virginia consumers.

147 **9. Consolidate the Reforestation of Timberlands Board into the Board of Forestry.**

148 The Reforestation of Timberlands Board is charged with advising the State Forester in all matters  
 149 concerning the administration of the Reforestation of Timberlands Program (RTP). The General  
 150 Assembly authorized the RTP in 1970 as a financial incentive for private landowners to plant pine  
 151 seedlings in response to over-harvesting of pine timber. Funds for the program come from three sources:  
 152 forest industry, the Commonwealth, and private landowners. The industry pays into the fund through a  
 153 self-imposed severance tax when pine timber is harvested. This money is matched with General Fund  
 154 revenue. The DOF's field offices located throughout the state run the program.

155 Consolidation of the boards makes sense because both the RT Board and the Board of Forestry are  
 156 advisory boards. DOF is confident that the two boards can be combined without any loss of emphasis  
 157 on the importance of the RTP. Consolidation will not result in any interruption of the program because  
 158 the RTP is already being run out of DOF offices.

159 Consolidation of the boards also provides the opportunity for further reform to better represent the  
 160 forestry industry. In order to retain the diversity required of the current RT Board, BOF membership can  
 161 be adjusted in the Code. Reconfiguring the BOF will give the opportunity to better reflect industry  
 162 interests by moving away from the current Congressional district allocations.

163 The current RT Board consists of three representatives of the pine pulpwood industry, three  
 164 representatives of the pine lumber industry, one of whom is the owner of a sawmill annually producing  
 165 not more than five million board feet, and three small forest landowners.

166 This was a recommendation of the Commission on Government Reform and Restructuring.

167 **10. Consolidate the Seed Potato Board and the Potato Board into a single, unified Potato**  
 168 **Board.**

169 The Seed Potato Board is a policy board with the sole purpose of adopting regulations and  
 170 establishing standards for seed potatoes.

171 The current Potato Board receives check-off funds from potato farmers in the amount of two cents  
 172 per 100 pounds of potatoes harvested in Virginia. The funds are deposited in the Virginia Potato Fund  
 173 and used to fund research, education and promotion of Virginia grown potatoes.

174 The boards have a narrow focus that would not be diminished by their combination. Given the  
 175 limited number of commercial potato growers in Virginia, Board membership is similar and reflective of  
 176 the industry's interests. Combining the boards would not result in any diminution of representation of the  
 177 industry. The newly comprised board would have the responsibility of both regulating seed potatoes and  
 178 promoting Virginia potatoes. In order to perform both functions, there would likely be a seed potato  
 179 committee within the Potato Board that will handle the regulatory issues associated with seed potatoes.

180 Savings are expected based on the fact that VDACS currently provides any funds necessary to  
 181 operate the Seed Potato Board. Combining the boards would streamline operations and efficiencies.

182 This was a recommendation of the Commission on Government Reform and Restructuring.

183 **11. Consolidate the Bright Flue-Cured Tobacco Board and the Dark-Fired Tobacco Board into**  
 184 **a single, unified Tobacco Board.**

185 The Bright Flue-Cured Tobacco Board and the Dark-Fired Tobacco Board administer separate  
 186 promotion funds for specific types of tobacco grown in Virginia, using funds collected from an excise  
 187 tax on tobacco paid by the growers. These two boards can more efficiently function and better promote  
 188 Virginia-grown tobacco as a single Tobacco Board.

189 Consolidation of these two boards is recommended because it will provide a more efficient use of the  
 190 limited resources generated through check-off fees by the two boards. The new board will be comprised  
 191 of representatives of both flue-cured and dark-fired regions. A single excise tax would be collected on  
 192 all tobacco, and then distributed based on the percentage of each type of tobacco grown in Virginia.  
 193 Each type of tobacco would continue be the beneficiary of the fees generated from the sale of that  
 194 particular tobacco, but would further benefit from streamlined operations of a single board. Although  
 195 tobacco remains a top 10 agricultural commodity crop in Virginia, the number of producers eligible for  
 196 board membership has declined significantly during the last decade.

197 The new Tobacco Board would consist of nine seats, six from the Bright Flue-Cured Board and three  
 198 from the Dark-Fired Board. The seven areas represented on the Bright Flue-Cured Board will be  
 199 condensed to six areas. Stand alone areas—Area I (Pittsylvania), Area III (Halifax) and Area V  
 200 (Mecklenburg) will be retained. Pittsylvania will be stricken from Area II and the remainder of Area II  
 201 will be combined with Area IV. The three Dark-Fired members will come from the Eastern, Central and  
 202 Western Region of the dark-fired tobacco producing section of the Commonwealth.

203 This was a recommendation of the Commission on Government Reform and Restructuring.

204 **12. Consolidate the Pesticide Control Board into the Board of Agriculture and Consumer**  
 205 **Services.**

206 The Pesticide Control Board should be consolidated into the Board of Agriculture and Consumer  
 207 Services. One board seat should be designated to represent the pesticide industry.

208 The Pesticide Control Board (PCB) is a policy board that oversees the regulation of pesticides in  
 209 Virginia. The Office of Pesticide Services (VDACS) already provides staff support to the PCB,  
 210 including special projects. The Board of Agriculture and Consumer Services (BACS), whose members  
 211 include a wide range of pesticide stakeholders, can handle policy and regulatory issues associated with  
 212 the use of pesticides.

213 This was a recommendation of the Commission on Government Reform and Restructuring.

214

215 **COMMERCE AND TRADE**

216 **13. Consolidate the Board for Opticians and the Board for Hearing Aid Specialists to form the**  
 217 **Board of Opticians and Hearing Aid Specialists.**

218 The Board for Hearing Aid Specialists was established in 1970. The purpose of this Board is to  
 219 license those who are qualified, either by a temporary permit or full licensure, to test and fit individuals  
 220 who need the assistance of a hearing aid. The Board for Opticians was established in 1954 to regulate  
 221 individuals who fit and sell prescription glasses, and contact lenses were later added. The Board is  
 222 comprised of three licensed opticians, an ophthalmologist, and one citizen member. Each member is  
 223 appointed by the Governor for a four-year term and may not serve for more than two consecutive terms.  
 224 The Board meets a minimum of four times per year. The Board for Opticians and the Board for  
 225 Hearing Aid Specialists each receive few complaints. Individuals who contact the Board are typically  
 226 concerned with customer service issues rather than a violation of the regulations. The Office of  
 227 Consumer Affairs at the Virginia Department of Consumer and Agricultural Services (VDACS) manages  
 228 customer service issues related to hearing aid devices and prescription glasses and contact lenses.

229 The Governor's Commission on Government Reform and Restructuring recommended consolidations  
 230 of the Boards in 2011.

231 **14. Consolidate the Board for Geology with the Board for Professional Soil Scientists and**  
 232 **Wetlands Professionals to form the Earth Science Board.**

233 The Board for Geology should be merged with the Board for Professional Soil Scientists and  
 234 Wetlands Professionals as they serve the same purpose for their respective industry.

235 Merging the boards would reduce the number of meetings from six to three creating more efficiency  
 236 and cost savings. Additionally, the merger would produce a board with more diverse backgrounds to aid  
 237 in a more balanced process in which to promulgate regulations. The Department of Professional and  
 238 Occupational Regulation (DPOR) reports few complaints are made to either Board.

239 The Governor's Commission on Government Reform and Restructuring recommended consolidations  
 240 of the Boards in 2011. "Project Streamline" during the Wilder Administration recommended deregulating  
 241 these professions.

242 **15. Eliminate the Small Business Advisory Board.**

243 The Small Business Advisory Board should be eliminated, and two seats representing small business

244 owners should be added to the Small Business Commission.

245 The Small Business Advisory Board is strictly an advisory board, not a policymaking board. The  
246 Board has not had a quorum in the past eight meetings. The Governor and/or the Secretary of  
247 Commerce and Trade have broad discretion to organize a task force to serve in an advisory capacity  
248 when necessary. The Small Business Advisory Board is duplicative of the efforts of the Small Business  
249 Commission, which exists to study, report, and make recommendations on issues of concern to small  
250 businesses in the Commonwealth. The Commission is made up of 14 members—four citizens and 10  
251 legislators. Two additional seats should be added to the Small Business Commission to enhance the  
252 representation of Virginia's small business owners and their role in the policymaking process.

253 The Commission on Government Reform and Restructuring recommended elimination of the Board  
254 in 2011.

255 **16. Eliminate the Board of Surface Mining Review.**

256 The sole duty of the Board of Surface Mining Review is to hear appeals from orders, rules, or  
257 regulations issued by the Department of Mines, Minerals and Energy (DMME) related to the reclamation  
258 of mineral mining operations. The Board has not met in this capacity since 2008. All appeals of orders  
259 have been resolved at the informal conference stage of the process during this time.

260 The APA provides for the administrative review of agency actions through a uniform, statewide  
261 process. Since the Board meets so infrequently, it can be difficult for Board members to remain  
262 informed of current laws and regulations and industry best practices. It is possible that members may be  
263 appointed and never hear a single case during their term. The APA process and the decisions rendered  
264 by hearing officers are standardized. Additionally, informal resolution of issues can still take place  
265 without the Board. The authority now managed by the Board will be managed by DMME and  
266 streamlined through the process set out in the Administrative Process Act (APA).

267 The Commission on Government Reform and Restructuring recommended elimination of the Board  
268 in 2011.

269 **17. Eliminate the Board of Mineral Mining Examiners.**

270 The Board of Mineral Mining Examiners currently requires certification of persons who work in  
271 mineral mines and persons whose duties and responsibilities in relation to mineral mining require  
272 competency, skill, or knowledge in order to perform consistently with the health and safety of persons  
273 and property. While the Board also promulgates regulations pertaining to the conduct of examinations,  
274 determines the qualification necessary for certified individuals, and conducts hearings to revoke a  
275 certification in certain circumstances. This Board has typically met once a year and only represents a  
276 portion of the minerals industry, while the Department of Mines, Minerals and Energy (DMME)  
277 routinely works with all regulated entities on a regular basis.

278 The Code gives the Board the discretion to allow a hearing officer to hear these appeals under the  
279 Administrative Process Act managing the functions administratively within DMME's Division of Mineral  
280 Mining. The Director of DMME may call together regulatory advisory groups to provide stakeholder  
281 input during the regulatory process.

282 The Commission on Government Reform and Restructuring recommended elimination of the Board  
283 in 2011.

284 **18. Eliminate the Virginia National Defense Industrial Authority.**

285 In 2005, the General Assembly created the Virginia National Defense Industrial Authority  
286 (VNDIA)—previously an advisory board created through executive order—"To foster and promote  
287 business, technology, transportation, education, economic development and other efforts in support of the  
288 mission, execution, and transformation of the United States government military and national defense  
289 activities located in the Commonwealth." VNDIA is governed by a Board appointed by the Governor  
290 and the General Assembly. VNDIA is an affiliated agency of the Secretary of Commerce and  
291 Trade—with budget funding passed through the Virginia Economic Development Partnership, where they  
292 are co-located. The Board may appoint an executive director and has chosen to do so. VNDIA currently  
293 has three full time employees. With the winding down of the 2005 BRAC and the creation of the  
294 Secretary of Homeland Security and Veterans Affairs, VNDIA is duplicative of the new Secretariat  
295 efforts as outlined in the Code of Virginia. Additionally, Governor McDonnell issued Executive Order  
296 22 in 2010 to support a working group on military installations and one working group on non-military  
297 national security facilities. In 2011, Governor McDonnell instituted Executive Order 39, to protect the  
298 military and national security assets located in the Commonwealth as authorized in Executive Order 22,  
299 and continuously seek new opportunities for growth. VEDP also has staff focused on this sector of the  
300 Commonwealth's economy. The elimination of the Authority would produce a cost savings to the  
301 Commonwealth of nearly \$790,000 per biennium.

302 As was recommended by the Commission on Government Reform and Restructuring in 2010 and  
303 2011, the Secretary of Commerce and Trade and the Secretary of Homeland Security and Veterans  
304 Affairs recommends the elimination of VNDIA.

**305 19. Deregulate the Profession of Hair Braiding.**

**306** The Board for Barbers and Cosmetology currently regulates hair braiders, among other professions.  
**307** The Board should no longer regulate hair braiders.

**308** The Board for Barbers and Cosmetology was created by merging the Board for Barbers and the  
**309** Board for Cosmetology, both originally established in 1962, through legislation signed by Governor  
**310** Gilmore in April 2000. In accordance with Virginia statute, the Board is composed of 10 members,  
**311** eight members are licensed practitioners in the respective regulated professions, and two are citizen  
**312** members. The Board regulates businesses and individuals that engage in barbering, cosmetology, nail  
**313** care, waxing, hair braiding, tattooing, body-piercing, and esthetics. The Board also regulates individuals  
**314** who teach and schools that provide training in barbering, cosmetology nail care, waxing, hair braiding,  
**315** tattooing, and esthetics. The Board regulates approximately 73,000 individuals, businesses, and schools.

**316** There are currently 382 licensed hair braiders, 42 hair braiding salons, and eight hair braiding  
**317** schools. The regulation of hair braiders is a burden to those who chose this as their sole profession  
**318** costing each individual \$75 for an exam and \$140 for a two-year license. The hair braiding industry  
**319** poses a minimal risk of public harm. Additionally, a Colorado study in 2008 found 23 states do not  
**320** reference hair braiding as a regulated profession. Over the past five years, there have been two fines for  
**321** hair braiders, one revocation, and one fine against a hair braider salon. Legislation should be introduced  
**322** to remove hair braiders, braider schools and braider salons from the list of regulated professions by the  
**323** Board for Barbers and Cosmetology through § 54.1-700 of the Code of Virginia. This would only  
**324** impact those who practice or teach only hair braiding and none of the other regulated professions.

**325 20. Deregulate Mold Inspectors and Mold Remediators.**

**326** The Virginia Board for Asbestos, Lead, Mold, and Home Inspectors currently regulates mold  
**327** inspectors and mold remediators, among other professions. The Board should no longer regulate mold  
**328** inspectors and mold remediators.

**329** The Virginia Board for Asbestos, Lead, Mold, and Home Inspectors regulates the licensure of mold  
**330** inspectors and mold remediators. The licensing Board was created by the General Assembly in 1993 to  
**331** oversee the asbestos licensing regulations. It was expanded in 1994 to include lead-based paint activities  
**332** licensing, and again in 2001 to include home inspector certification. The 2009 General Assembly  
**333** directed the Board to develop a licensure program for mold remediators and inspectors, effective in  
**334** 2011. The U.S. Environmental Protection Agency (EPA) does not see a need to regulate mold  
**335** remediation in a home. This is an example of Virginia over regulating where the EPA does not.  
**336** Currently, there are only three states that regulate the mold industry.

**337 21. Deregulate the Profession of Interior Design.**

**338** The Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and  
**339** Landscape Architects currently regulates interior designers, among other professions. The Board should  
**340** no longer regulate interior designers.

**341** The Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and  
**342** Landscape Architects oversees the Certified Interior Designer Program. There are few, if any complaints  
**343** in this section and very few regulatory violations. Of the 26 states that legally recognize interior  
**344** designers, only 10 are like Virginia insomuch as they offer title protection and certification. The private  
**345** sector can provide the relevant credentials. Decertification for interior designers will allow for more  
**346** choice and competition.

**347**

**348 EDUCATION**

**349 22. Eliminate the Virginia Public Broadcasting Board.**

**350** The functions of the Virginia Public Broadcasting Board should be transferred to the Board of  
**351** Education, and the Virginia Public Broadcasting Board should be eliminated. The Virginia Public  
**352** Broadcasting Board allocates awards grants to public broadcasting stations. The Commonwealth  
**353** appropriates \$10,000 per year for the functioning of this Board, and the Board has not met in the last  
**354** two years. The Board of Education can absorb this responsibility, yielding a savings for the  
**355** Commonwealth.

**356** The Commission on Government Reform and Restructuring recommended elimination of the Council  
**357** in 2010.

**358**

**359 HEALTH AND HUMAN RESOURCES**

**360 23. Create a new agency consisting of the Department of Rehabilitative Services and the**  
**361 Department for the Aging.**

**362** A new state agency, consisting of Virginia Department for the Aging and the Department of  
**363** Rehabilitative Services, will be created to provide services to a population that can be better served with  
**364** unified resources.

**365** Under a memorandum of agreement, the Department of Rehabilitative Services (DRS) currently  
**366** performs certain human resources, information technology, fiscal and general services,

367 communications/public relations and internal audit services for the Virginia Department for the Aging  
 368 (VDA). The creation of this new agency would reduce confusion for Virginians who currently seek  
 369 services from more than one agency. It also reduces confusion for providers that currently report to and  
 370 receive funds from more than one state agency. This new agency would simplify and streamline service  
 371 delivery, avoid duplication, improve alignment and manage costs, increase access, and make better use  
 372 of information and other resources among agencies performing similar functions in the Health and  
 373 Human Resources Secretariat.

374 The new agency would create a unified vision and improved outcomes for similar services and  
 375 supports. Additionally, it will streamline and avoid duplication in oversight of similar functions as well  
 376 as making better use of information, training and staff resources.

377 This was a recommendation of the Commission on Government Reform and Restructuring in 2011.

378 **24. The Virginia Department for the Deaf and Hard of Hearing should join the new agency**  
 379 **along with the Virginia Department for the Aging and the Virginia Department of**  
 380 **Rehabilitative Services.**

381 Under a memorandum of agreement, the Department of Rehabilitative Services (DRS) currently  
 382 performs certain human resources, information technology, fiscal and general services,  
 383 communications/public relations, and internal audit services for the Virginia Department for the Deaf  
 384 and Hard of Hearing (VDDHH).

385 The addition of VDDHH to the newly formed agency would reduce confusion for individuals and  
 386 caregivers who seek services provided through more than one agency. The function of VDDHH and its  
 387 service to Virginians in need of hearing, interpreting, and other audio services, must be maintained and  
 388 easily accessible in order to ensure the safety and well- being of Virginians who are deaf and hard of  
 389 hearing. The new agency would support better informed referrals and improved outcomes. Additionally,  
 390 it would increase awareness and make better use of information, training, and staff resources.

391 This is a recommendation of the Commission on Government Reform and Restructuring in 2011.

392 **25. Consolidate the Virginia Department of Social Services Adult Services and Adult Protective**  
 393 **Services into the newly proposed agency consisting of the Virginia Department for the Aging,**  
 394 **Department of Rehabilitative Services, the Virginia Department for the Deaf and Hard of**  
 395 **Hearing, or any combination thereof.**

396 Adult Protective Services investigates reports of abuse, neglect, and exploitation of adults 60 years of  
 397 age or older and incapacitated adults age 18 or older. If protective services are needed and accepted by  
 398 the individual, local Adult Protective Services social workers may arrange for a wide variety of adult  
 399 services, including; health, housing, social and legal services to stop the mistreatment or prevent further  
 400 mistreatment. Services offered may include home-based care, transportation, adult day services, adult  
 401 foster care, nutrition services and legal intervention in order to protect the adult. Services may also be  
 402 arranged for individuals in emergency situations who lack the capacity to consent to services.

403 In state fiscal year 2011, there were nearly 18,000 reports of abuse, neglect, or financial exploitation  
 404 of older adults and adults with disabilities in Virginia. By 2030, nearly one-quarter of Virginia's  
 405 residents will be age 65 or older, and individuals with disabilities are moving out of institutions and into  
 406 their communities. Consolidation of these functions into the state agency that focuses on serving these  
 407 individuals will strengthen our ability to respond to these realities. This consolidation would reduce  
 408 redundancy in the oversight and state administration of similar functions. For example, the average  
 409 constituent will call the Department for the Aging (VDA) with concerns of alleged elder abuse or  
 410 exploitation, rather than contacting the Adult Services/Protective Services unit of DSS.

411 This is a recommendation of the Commission on Government Reform and Restructuring in 2011.

412 **26. Consolidate the Public Guardian and Conservator Advisory Board with the Commonwealth**  
 413 **Council on Aging and the Alzheimer's Disease and Related Disorders Commission.**

414 The Commonwealth Council on Aging promotes an efficient, coordinated approach by state  
 415 government to meeting the needs of older Virginians. The Council has 19 appointed members and five  
 416 ex-officio members. The Governor appoints 11 members, one from each of Virginia's congressional  
 417 districts. Of the remaining eight at-large members, four are appointed by the Speaker of the House of  
 418 Delegates and four by the Senate Committee on Privileges and Elections. The Council meets quarterly.

419 The Public Guardian and Conservator Advisory Board, established by § 2.2-2411 of the Code of  
 420 Virginia, provides advice to the Commissioner of the Department for the Aging about public  
 421 guardianship. The Board also assists in the coordination and management of local public guardianship  
 422 programs. The Board consists of no more than 15 members appointed by the Governor.

423 The Alzheimer's Commission serves in an advisory capacity to the Governor and the Secretary of  
 424 Health and Human Resources (HHR), and exists to assist people with Alzheimer's disease or related  
 425 disorders, as well as their caregivers. The Commission consists of non-legislative citizen members,  
 426 appointed as follows: Three members are appointed by the Speaker of the House of Delegates, two  
 427 members are appointed by the Senate Committee on Privileges and Elections; and 10 members are

428 appointed by the Governor.

429 When identifying appropriate consolidation measure of boards and commissions, it is difficult to  
430 validate leaving the Alzheimer's Disease and Related Disorders Commission out of the Aging board  
431 consolidation package. Not unlike the merger of the Public Guardian and Conservator Advisory Board  
432 with the Commonwealth Council on Aging, there is no desire to mitigate the important issues considered  
433 and addressed by the Alzheimer's Commission. Notwithstanding the reduction in size of representation,  
434 it is expected that specific seats of the Commonwealth Council on Aging will be designated for  
435 individuals who represent the Alzheimer's perspective.

436 This was a recommendation of the Commission on Government Reform and Restructuring in 2011.

437 **27. Consolidate the Advisory Board on Child Abuse and Neglect with the Family and**  
438 **Children's Trust Fund to create the Family and Children's Trust Fund and Advisory Board.**

439 The Advisory Board on Child Abuse and Neglect is composed of nine persons appointed by the  
440 Governor for three-year staggered terms, and permanent members including the Superintendent of Public  
441 Instruction, the Commissioner of Health, the Commissioner of Behavioral Health and Developmental  
442 Services, the Commissioner of Social Services, the Director of the Department of Juvenile Justice, the  
443 Director of the Department of Corrections, the Director of the Department of Criminal Justice Services,  
444 and the Attorney General of Virginia, or their designees. The Advisory Board meets quarterly and, as  
445 the need may arise, advise the Department, Board and Governor on matters concerning programs for the  
446 prevention and treatment of abused and neglected children and their families and child abuse and neglect  
447 issues identified by the Commissioner of Social Services.

448 Consolidation would allow the Commonwealth to focus on ending generational abuse and aligning  
449 Virginia's child abuse prevention efforts. Additionally, the consolidation provides expertise created  
450 through merger which will improve overall response to family abuse.

451 The Family and Children's Trust Fund (FACT) provides for the support and development of services  
452 for the prevention and treatment of violence within families. This goal is achieved through public and  
453 private collaboration.

454 This was a recommendation of the Commission on Government Reform and Restructuring in 2011.

455 **28. Eliminate the Hemophilia Advisory Board.**

456 The Hemophilia Advisory Board should be eliminated and the Commissioner of the Virginia  
457 Department of Health (VDH) should maintain authority to convene issue-based workgroups as needed.

458 The Virginia Hemophilia Advisory Board is a governor-appointed board who advises and assists the  
459 Virginia Department of Health in the administration of the CSHCN Hemophilia Program. The board  
460 includes representatives from voluntary agencies interested in hemophilia, hematologists, blood  
461 banks/pharmacies, medical schools, hospitals, local public health agencies and the general public.

462 An existing framework is in place to programmatically set and carry out goals and objectives for  
463 CSHCN programs, including the Virginia Bleeding Disorders Program (VBDP), under the Maternal and  
464 Child Health Block Grant. The Virginia Genetics Advisory Committee could be more effective with a  
465 broader scope and membership; the change in leadership with this group presents an opportunity at this  
466 time to make modifications. At any time and by discretion, the Commissioner of the Virginia  
467 Department of Health (VDH) may bring together an Advisory Committee regarding any topic under the  
468 purview of the Health Department. Acknowledging that Hemophilia is of specific concern to some  
469 constituencies, this, like any other related matter, can be discussed and addressed through a more  
470 flexible framework with less cost and administrative burden to the Commonwealth.

471 This is a recommendation of the Commission on Government Reform and Restructuring in 2011.

472 **29. Eliminate the Sewage Handling and Disposal Appeal Review Board.**

473 The State Health Department Sewage Handling and Disposal Appeal Review Board (ARB) consists  
474 of seven members, appointed by the Governor subject to confirmation by the General Assembly. The  
475 members include one member who is a soil scientist; one member who is a professional engineer in  
476 private practice; one member who is a residential builder; one member who is an academic professional  
477 engaged in research and teaching in a soils-related discipline; one member who has had experience in  
478 the field of enforcement of onsite sewage disposal regulations; one member who is engaged in private  
479 soils analysis work related to the installation of onsite sewage systems; and one member from the public  
480 at large who may have experience in the installation of onsite sewage systems. The members shall serve  
481 at the pleasure of the Governor. The ARB hears the appeals of denials of onsite sewage permits and  
482 certification letters, Betterment Loan Eligibility Letters, and requests for reimbursement from the Onsite  
483 Sewage Indemnification Fund.

484 The ARB is unique among state agencies in that its decisions constitute final agency decisions and  
485 cannot be challenged by the agency, even if an error of fact or law occurs. In the absence of the ARB,  
486 citizens could appeal adverse decisions to circuit court in accordance with the Administrative Process  
487 Act. The agency, in consultation with the Office of the Attorney General, has an option to appeal an  
488 adverse decision in circuit court. Eliminating the ARB would reduce expenses for the agency (travel  
489 reimbursement, time, materials, etc.) and realign VDH with more normal processes for making agency



490 decisions (case decisions).

491 Eliminating the Board would remove a step and would streamline the judicial process. While this  
492 recommendation does remove the Health Department from this appeal process, it does not remove the  
493 right to an appeal away from those seeking a different decision. It is believed that this recommended  
494 process will reduce the burden put on the Department and would again streamline the process for those  
495 seeking an appeal.

496 This was a recommendation of the Commission on Government Reform and Restructuring in 2011.

497 **30. Eliminate the Child Day Care Council.**

498 The Child Day Care Council should be eliminated and the Board of Social Services should be  
499 designated as the authority to adopt regulatory standards for licensure and operations of child day care  
500 centers. Two seats should be added to the Board of Social Services to represent the day care industry.

501 Since its inception in 1987, the licensing and regulation of Child Day Care Centers was performed  
502 by the Board of Social Services. The Child Day-Care Council has revised, simplified, and adopted  
503 several new standards for the benefit and safety of children. Under the council, child day centers are  
504 child day programs offered to (i) two or more children under the age of 13 years in a facility that is not  
505 the residence of the provider or of any of the children in care or (ii) 13 or more children at any  
506 location. Examples of child day centers include child care centers, before- and after-school programs,  
507 nursery schools, and certain camps. Originally, the Council was composed of a minimum of 13  
508 members; however, in 2002, membership was increased by the General Assembly to a minimum of 29.  
509 All members are appointed by the Governor and represent a variety of interests from around the state.  
510 The standards cover a range of topics including such things as background checks for day center staff,  
511 physical plant requirements, nutrition and food services, and first aid.

512 Elimination of the Child Day Care Council would significantly reorganize and streamline DSS's  
513 regulatory process by abolishing the 29-member Council, which oversees only three regulations, and  
514 delegating its responsibility for adopting regulations for the licensure and operation of child day centers  
515 to the nine-member DSS Board of Social Services. Two of these regulations, Background Checks for  
516 Licensed Child Day Centers and Public Participation Guidelines, are an exact duplication of the  
517 regulations for all the other children's programs and are unnecessary.

518 The approval authority for all other regulations in DSS is the State Board, which does not consist of  
519 a majority of members with a vested interest in a regulation. In fact, § 63.2-215 of the Code of Virginia  
520 states "No director, officer or employee of an institution subject to the provisions of this title shall be  
521 appointed a member of the Board."

522 The Board is experienced in overseeing regulations governing child day programs. The Board has the  
523 responsibility for overseeing 50 DSS regulations, of which eight are related to child care and govern  
524 over 9,600 child care providers. The Council has the responsibility for only three regulations that govern  
525 slightly over 2,500 licensed child day centers.

526 The CDCC is authorized by the Code of Virginia to adopt regulatory standards for licensure and  
527 operation of child day care centers in Virginia. While the Administration values the role of the Child  
528 Day Care Council in assuring that Virginia's children are cared for in a safe environment while away  
529 from home, it is believed that the duties and responsibilities of the Child Day Care Council can be  
530 assumed through representation on the Board of Social Services.

531 This was a recommendation of the Commission on Government Reform and Restructuring in 2011.

532

533 **NATURAL RESOURCES**

534 **31. Transfer the Virginia Office of Environmental Education to the Department of**  
535 **Conservation and Recreation from the Department of Environmental Quality.**

536 The Virginia Office of Environmental Education is a one-stop-shop for environmental education and  
537 information. The office's stated mission is to work with public and private organizations to deliver  
538 quality environmental education programs that meet state academic standards and engage citizens in  
539 conservation activities.

540 The Department of Conservation and Recreation (DCR) interfaces with the general public, including  
541 students and teachers, on a regular basis through the operation of state parks, natural heritage programs,  
542 and planning and recreational resources. Moving the Office of Environmental Education to DCR will  
543 elevate the program and enable it to more successfully achieve its mission.

544 This move compliments other program realignments which aim to make the Department of  
545 Environmental Quality the one-stop-shop for regulatory environmental activities and the Department of  
546 Conservation and Recreation the agency for state parks, recreation and conservation issues.

547 This move was a recommendation of the Commission on Government Reform and Restructuring in  
548 2011.

549 **32. Transfer Municipal Separate Storm Sewer (MS4) Permitting.**

550 Municipal Separate Storm Sewer (MS4) permitting should be moved to the Department of

551 Environmental Quality from the Department of Conservation and Recreation.

552 The Commission on Government Reform and Restructuring recommended consolidating all water  
553 quality permitting at the Department of Environmental Quality (DEQ) to create a one-stop-shop for  
554 water quality issues. Consolidating water quality permitting into a single agency will streamline and  
555 strengthen the process for obtaining these permits in Virginia. The first step in achieving this  
556 consolidation is moving the MS4 permits to DEQ. The administration will lead a review over the next  
557 year to evaluate moving the remaining water quality programs. The goals of this review would be to  
558 provide optimum service to citizens; provide continuity of approach to permits, compliance, and grant  
559 management; and strengthen coordination with federal mandates at the lowest cost. There are currently  
560 two agencies under the Secretary of Natural Resources that manage water quality issues, so customers  
561 and stakeholders in some instances must work with multiple agencies on a single project for water  
562 quality issues alone. Two separate agencies manage the Commonwealth's Chesapeake Bay Watershed  
563 Implementation Plan resulting in duplication of efforts and inefficiencies.

564 This move was a recommendation of the Commission on Government Reform and Restructuring in  
565 2011.

566 **33. Merge the Chippokes Plantation Farm Foundation and Board of Trustees.**

567 The Chippokes Plantation Farm Foundation should be merged into the Chippokes Plantation State  
568 Park and the Board of Trustees should be merged into the Board of Conservation and Recreation.

569 The Chippokes Plantation Farm Foundation, which operates the Chippokes Plantation Farm and  
570 Forestry Museum, is a separate state agency and is overseen by a Board of Trustees. The Foundation  
571 operates within the boundaries of Chippokes Plantation State Park which is managed by the Department  
572 of Conservation and Recreation Division of State Parks. Consolidating this small agency and its farm  
573 and forestry museum into the state park will create efficiencies and savings.

574 The Chippokes Plantation Farm Foundation provides many of the same functions at Chippokes  
575 Plantation State Park as the park staff. It creates confusion for the public in terms of who has  
576 responsibilities for activities. DCR's state parks system is recognized nationally as one of the nation's  
577 best managed and most successful systems. This merger will enable this small agency to benefit from  
578 DCR and the state park system's available resources and shared services rather than handling operational  
579 functions on its own. It will result in simplified planning and coordination and more efficient operations  
580 throughout the Park. The existing code requirements for the continuation and preservation of the model  
581 farm will remain in place.

582 For several years, the Foundation has had little fundraising actions taken aside from revenue tied to  
583 entrance fees (a share of the state park parking fee), gift shop proceeds, and other events. According to  
584 DCR, the Foundation has not historically raised any significant funds and this year any funds were  
585 negligible. The Board of Conservation and Recreation (BCR) has the same fundraising authorities as the  
586 Chippokes Plantation Farm Foundation, so the BCR can handle those duties upon elimination of the  
587 Foundation Board. No fundraising ability will be jeopardized by this action.

588 This merger was a recommendation of Governor Warner's Commission on Efficiency and  
589 Effectiveness in 2002. This merger was a recommendation of the Commission on Government Reform  
590 and Restructuring in 2010 and 2011.

591 **34. Merge Virginia Scenic River Board into Board of Conservation and Recreation.**

592 The Virginia Scenic River Board should be eliminated, and its duties to advise the Governor and the  
593 Director concerning the protection and management of the Virginia Scenic Rivers System should be  
594 absorbed by the Board of Conservation and Recreation.

595 The Virginia Scenic River Board has no regulatory authority and its only duties are to advise the  
596 Governor and Director on issues related to the Virginia Scenic Rivers System. These duties can be  
597 absorbed into the Board of Conservation and Recreation with the continued support of the Department  
598 of Conservation and Recreation staff.

599 **35. Eliminate the Boating Advisory Committee.**

600 The Boating Advisory Committee was dissolved during the Wilder Administration and has not been  
601 reconstituted since. There are no current appointees. The Department of Game and Inland Fisheries  
602 instead regularly works with the Virginia Safe Boating Alliance. This alliance is a non-governmental  
603 grass-roots organization which consists of 12 diverse boating interest groups who have worked  
604 successfully and closely with the Agency and legislators on issues of interest to the Commonwealth's  
605 recreational boating public.

606 **36. Eliminate the Virginia Council on Indians.**

607 The Virginia Council on Indians should be eliminated and the Secretary of Natural Resources should  
608 develop an alternative mechanism for facilitating relations between the Commonwealth and her Indian  
609 Tribes.

610 The Virginia Council on Indians has faced a number of challenges in recent years that have left the  
611 council inoperable. The Council has been unable to conduct business in more than two years as many  
612 tribes have opted not to participate in the council any longer. The last time a Council meeting achieved

613 a quorum was at its September of 2009 business meeting.

614 A majority of the tribes wrote letters to the Commission on Government Reform and Restructuring  
615 requesting that the Council be disbanded. They have suggested that the Virginia Council on Indians has  
616 outlived its usefulness and that it should be abolished.

617 This elimination was a recommendation of the Commission on Government Reform and  
618 Restructuring in 2011.

619 **37. Eliminate the Litter Control and Recycling Advisory Board.**

620 The Litter Control and Recycling Fund Advisory Board should be eliminated, and its responsibilities  
621 for advising the Director for the award of all grants should be absorbed within the Department of  
622 Environmental Quality.

623 The Litter Control and Recycling Fund Advisory Board is responsible for reviewing applications for  
624 grants from the Litter Control and Recycling Fund and recommending their approval or denial to the  
625 Director, depending on whether or not the applications meet the criteria outlined in the Department's  
626 Guidelines for Litter Prevention and Recycling Grants. This function can be handled within the  
627 Department of Environmental Quality.

628 The role of the Board changed in 2009 when legislation was enacted that eliminated the funding and  
629 the annual competitive grants program for litter prevention and recycling projects and transferred those  
630 monies to funds allocated in the pass-through formula grants awarded to localities each year for their  
631 base litter prevention and recycling programs. Because the program no longer has competitive grants,  
632 DEQ distributes 95% of the revenue to localities for litter prevention and recycling grants based on  
633 population and road miles (the other 5% is used to administer the program). All localities are eligible  
634 assuming they follow the guidelines/restrictions for use of the funds developed by the Board and submit  
635 an annual accounting report. This change has dramatically altered the role of the Board.

636 The Director can seek the input of stakeholders and localities without this advisory board, including  
637 advice on how to promote the control, prevention and elimination of litter from the Commonwealth and  
638 how to encourage recycling in Virginia.

639 This board elimination proposal was heard by the Government Simplification & Operations  
640 Committee of the Commission on Government Reform and Restructuring in 2010 and identified in the  
641 Commission's 2010 report for possible consolidation.

642 **38. Eliminate the Foundation for Virginia's Natural Resources.**

643 The Foundation for Virginia's Natural Resources should be eliminated from the Code of Virginia.  
644 The Foundation has not been able to raise money to carry out its stated mission of assisting in  
645 developing and encouraging non-regulatory conservation programs, fostering collaboration between  
646 business communities and natural resources groups, promoting natural resource education and pollution  
647 prevention, encouraging volunteer monitoring of all natural resources, and developing goals and  
648 guidelines for grant applications to the trust. These goals are currently being carried out by state  
649 agencies, business organizations, schools and other citizen groups not identified in the Code of Virginia  
650 or appointed by the Governor.

651 This elimination was a recommendation of the Commission on Government Reform and  
652 Restructuring in 2010.

653

654 **PUBLIC SAFETY**

655 **39. Merge the Department of Correctional Education into the Department of Corrections and  
656 the Department of Juvenile Justice.**

657 The adult education functions of the Department of Correctional Education should be merged into the  
658 Department of Corrections, and the juvenile education functions of the Department of Correctional  
659 Education should be made a part of the Department of Juvenile Justice. The Department of Correctional  
660 Education should then be eliminated.

661 The Department of Correctional Education serves two very distinct functions. The first is to provide  
662 adult and vocational education to inmates who are under the supervision of the Department of  
663 Corrections. The second is to serve as the local educational division equivalent for the youth who are  
664 detained at facilities run by the Department of Juvenile Justice. Because of the very distinct nature of  
665 these two responsibilities—providing adult education and providing juvenile education—there is little  
666 overlap between the two programs.

667 Merging the adult education functions of the Department of Correctional Education into the structural  
668 organization of the Department of Corrections and the juvenile education functions as a part of the  
669 Department of Juvenile Justice will increase program efficiencies and provides cost savings. Rather than  
670 a stand-alone agency with its own management and other infrastructure needs, these two important  
671 functions could be divisions under the Department of Corrections and the Department of Juvenile  
672 Justice. Additionally, this arrangement would allow for better collaboration and integration of  
673 educational programs with the other programs and services provided by the Department of Corrections

674 and the Department of Juvenile Justice.

675 **40. Eliminate the Board of Correctional Education.**

676 The Board of Correctional Education's primary function is to oversee the operations of the  
677 Department of Correctional Education. With the Department merging into the Department of Corrections  
678 and the Department of Juvenile Justice (see above), the Board is no longer necessary.

679 The authority that the Board of Correctional Education currently holds should be transferred to the  
680 Board of Corrections and the Board of Juvenile Justice with the merger of the education functions.

681 **41. Eliminate the Virginia Juvenile Enterprise Committee.**

682 The Virginia Juvenile Enterprise Committee reviews work program proposals for juveniles committed  
683 to the Department of Juvenile Justice. This authority is duplicative of authority granted to the  
684 Department of Juvenile Justice. The Juvenile Enterprise Committee is redundant and unnecessary. The  
685 Committee should be eliminated.

686 **42. Transfer the Functions of the Governor's Office of Substance Abuse Prevention to the  
687 Virginia Department of Alcoholic Beverage Control.**

688 The responsibilities of the Governor's Office of Substance Abuse Prevention should be transferred to  
689 the Department of Alcoholic Beverage Control, and the Governor's Office of Substance Abuse  
690 Prevention should be eliminated.

691 The Code of Virginia states that it is "the responsibility of the Governor to administer the substance  
692 abuse prevention program within the Commonwealth." The program was designed to be the link  
693 between state and local law enforcement and substance abuse prevention efforts and was designed to  
694 administer federal grant funds that are no longer available. Dedicated staff are required to manage this  
695 program. It would be more appropriate to house it at an agency where the program can benefit from  
696 expertise and collaboration with other programs. In recent years, the primary objective of the Governor's  
697 Office of Substance Abuse Prevention has been on alcohol abuse prevention. As such, the Department of  
698 Alcoholic Beverage Control is the appropriate agency to administer the Commonwealth's substance  
699 abuse prevention program in conjunction with its other prevention programs.

700

701 **TRANSPORTATION**

702 **43. Eliminate the Board of Transportation Safety.**

703 The functions of the Board of Transportation Safety are already being performed by the Department  
704 of Motor Vehicles (DMV). The Board of Transportation Safety should be eliminated.

705 The Board of Transportation Safety is comprised of 12 members appointed by the Governor and has  
706 been established within the Virginia Department of Motor Vehicles. The Board may consider, study, and  
707 report on: the identification of the unique safety needs of each particular mode of transportation; the  
708 identification of the common elements of safe transportation operation, regardless of mode of  
709 transportation; the adoption of proven safety practices and technology in use in one mode to other  
710 modes of transportation; the identification of the common elements of accident situations; and the  
711 allocation of grant funds made available to the Department. These functions are primarily performed by  
712 DMV leadership and staff. An advisory board is not required. The Commission of Motor Vehicles can  
713 pull together advisory groups as needed to address particular instances and can do so based on the  
714 expertise required. This approach will allow DMV to better address transportation safety in the  
715 Commonwealth and will save taxpayer dollars.

716 The Secretary of Transportation recommended the elimination of the Board in 2011.

717 **44. Consolidate the Northern Virginia Transportation Commission and the Northern Virginia  
718 Transportation Authority.**

719 The Northern Virginia Transportation Commission (NVTC) would be consolidated with the Northern  
720 Virginia Transportation Authority (NVTA) so that the NVTA would assume all powers and  
721 responsibilities of the NVTC. The merger would create a singular, unified group to represent Northern  
722 Virginia's localities on transportation issues.

723 The Northern Virginia Transportation Commission is a regional body comprised of 20  
724 commissioners. Of the commissioners, 13 are selected from local government officials in Northern  
725 Virginia, six are appointed by the General Assembly, and one represents the Secretary of Transportation.  
726 The NVTC allocates transit funding provided by the state among the member jurisdictions and is  
727 responsible for selecting Virginia's representation on the WMATA Board of Directors. The Northern  
728 Virginia Transportation Authority is a 17-member regional transportation authority charged with  
729 developing a regional transportation plan, including mass transit, and has the authority to administer  
730 locally imposed taxes and fees to support issuance bonds for the construction of regional transportation  
731 projects.

732 Under the consolidation, the powers and duties of the NVTC would be assumed by the NVTA,  
733 except that the NVTC would remain as a subsidiary solely for the purposes of appointing Virginia's  
734 representation to the WMATA Board of Directors. The consolidation will provide for more direct  
735 funding of transit, consolidate duplicative organizations, and create one unified organization for

736 improving transportation in Northern Virginia.

737 The Secretary of Transportation recommended the merger in 2011.

738 **45. Eliminate the Board for Recovery and Towing Operators.**

739 The Board for Towing and Recovery Operations is a supervisory Board and functions should be  
740 absorbed into the Virginia State Police (VSP) and Department of Motor Vehicles (DMV). This  
741 re-organization will include a transfer of regulations, enforcement, background checks, state and local  
742 lists of authorized towers and licensing of trucks and drivers.

743 This elimination was a recommendation of the Commission on Government Reform and  
744 Restructuring in 2011.

745

746 **VETERANS AFFAIRS AND HOMELAND SECURITY**

747 **46. Transfer the Virginia War Memorial to the Department of Veterans Services.**

748 In the most recent annual audit, the Auditor of Public Accounts concluded that the Virginia War  
749 Memorial is a state agency. The annual audit also concluded that the relationship of the War Memorial  
750 to both the Commonwealth and the Virginia War Memorial Educational Foundation is poorly defined  
751 and does not serve the best interest of either the War Memorial or the Commonwealth. Finally, the  
752 annual audit noted that the Code of Virginia gives the War Memorial Board of Trustees certain specific  
753 duties and responsibilities and clearly states that the War Memorial is a part of the Executive Branch of  
754 government.

755 Section 2.2-2707 of the Code of Virginia requires that all accounts and records of the War Memorial  
756 be established by the Auditor of Public Accounts "in a manner similar to other organizations." The  
757 Auditor is also required to audit the accounts of the War Memorial annually. The General Assembly  
758 does not provide for direct state appropriations for the support of the War Memorial; however, a  
759 substantial amount of state support is provided by both the Departments of Veterans Services and  
760 General Services. Therefore, the War Memorial is indirectly receiving substantial monetary support from  
761 the Commonwealth. Finally, a 2010 informal opinion of the Attorney General concludes that the War  
762 Memorial is an agency of the Commonwealth.

763 Placing the War Memorial in the Department of Veterans Services is advisable because, at present,  
764 the War Memorial is an independent entity that is entirely governed by an independent policy Board of  
765 Trustees. Realignment will result in clarification that the War Memorial is an agency of the  
766 Commonwealth subject to the Governor's direction as a part of the executive branch of government.

767 The only change affecting the War Memorial is that its operation would be under the direct  
768 supervision of the Commissioner of Veterans Services subject to the advice and recommendations of the  
769 Board of Trustees.

770 This is a recommendation of the Virginia War Memorial Foundation Board of Trustees by vote taken  
771 on September 16, 2011.