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OF REGULATIONS

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INFORMATION ABOUT THE VIRGINIA REGISTER OF REGULATIONS

VIRGINIA REGISTER

The *Virginia Register* is an official state publication issued every other week throughout the year. Indexes are published quarterly, and the last index of the year is cumulative.

The *Virginia Register* has several functions. The full text of all regulations, both as proposed and as finally adopted or changed by amendment are required by law to be published in the *Virginia Register of Regulations*.

In addition, the *Virginia Register* is a source of other information about state government, including all Emergency Regulations issued by the Governor, and Executive Orders, the Virginia Tax Bulletin issued monthly by the Department of Taxation, and notices of all public hearings and open meetings of state agencies.

ADOPTION, AMENDMENT, AND REPEAL OF REGULATIONS

An agency wishing to adopt, amend, or repeal regulations must first publish in the Virginia Register a notice of proposed action; a basis, purpose, impact and summary statement; a notice giving the public an opportunity to comment on the proposal, and the text of the proposed regulations.

Under the provisions of the Administrative Process Act, the Registrar has the right to publish a summary, rather than the full text, of a regulation which is considered to be too lengthy. In such case, the full text of the regulation will be available for public inspection at the office of the Registrar and at the office of the promulgating agency.

Following publication of the proposal in the *Virginia Register*, sixty days must elapse before the agency may take action on the proposal.

During this time, the Governor and the General Assembly will review the proposed regulations. The Governor will transmit his comments on the regulations to the Registrar and the agency and such comments will be published in the *Virginia Register*.

Upon receipt of the Governor's comment on a proposed regulation, the agency (i) may adopt the proposed regulation, if the Governor has no objection to the regulation; (ii) may modify and adopt the proposed regulation after considering and incorporating the Governor's suggestions, or (iii) may adopt the regulation without changes despite the Governor's recommendations for change.

The appropriate standing committee of each branch of the General Assembly may meet during the promulgation or final adoption process and file an objection with the *Virginia Registrar* and the promulgating agency. The objection will be published in the *Virginia Register*. Within twenty-one days after receipt by the agency of a legislative objection, the agency shall file a response with the Registrar, the objecting legislative Committee, and the Governor.

When final action is taken, the promulgating agency must again publish the text of the regulation, as adopted, highlighting and explaining any substantial changes in the final regulation. A thirty-day final adoption period will commence upon publication in the *Virginia Register*.

The Governor will review the final regulation during this time and if he objects, forward his objection to the Registrar and the agency. His objection will be published in the *Virginia Register*. If the Governor finds that changes made to the proposed regulation are substantial, he may suspend the regulatory process for thirty days and

require the agency to solicit additional public comment on the substantial changes.

A regulation becomes effective at the conclusion of this thirty-day final adoption period, or at any other later date specified by the promulgating agency, unless (i) a legislative objection has been filed, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall be after the expiration of the twenty-one day extension period; or (ii) the Governor exercises his authority to suspend the regulatory process for solicitation of additional public comment, in which event the regulation, unless withdrawn, becomes effective on the date specified which date shall be after the expiration of the period for which the Governor has suspended the regulatory process.

Proposed action on regulations may be withdrawn by the promulgating agency at any time before final action is taken.

EMERGENCY REGULATIONS

If an agency determines that an emergency situation exists, it then requests the Governor to issue an emergency regulation. The emergency regulation becomes operative upon its adoption and filing with the Registrar of Regulations, unless a later date is specified. Emergency regulations are limited in time and cannot exceed a twelve-months duration. The emergency regulations will be published as quickly as possible in the *Virginia Register*.

During the time the emergency status is in effect, the agency may proceed with the adoption of permanent regulations through the usual procedures (See "Adoption, Amendment, and Repeal of Regulations," above). If the agency does not choose to adopt the regulations, the emergency status ends when the prescribed time limit expires.

STATEMENT

The foregoing constitutes a generalized statement of the procedures to be followed. For specific statutory language, it is suggested that Article 2 of Chapter 1.1:1 (§§ 9-6.14:6 through 9-6.14:9) of the Code of Virginia be examined carefully.

CITATION TO THE VIRGINIA REGISTER

The Virginia Register is cited by volume, issue, page number, and date. 1:3 V.A.R. 75-77 November 12, 1984 refers to Volume 1, Issue 3, pages 75 through 77 of the Virginia Register issued on November 12, 1984.

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Members of the Virginia Code Commission: Theodore V. Morrison, Jr., Chairman, Delegate; Dudley J. Emick, Jr., Vice Chairman Senator; A. L. Philpott, Speaker of the House of Delegates; James P. Jones, Senator; Russell M. Carneal, Circuit Judge; John Wingo Knowles, Retired Circuit Judge; William G. Broaddus, Chief Deputy Attorney General; John A. Banks, Jr., Secretary, Director of the Division of Legislative Services.

Staff of the Virginia Register: Joan W. Smith, Registrar of Regulations; Ann M. Brown, Assistant Registrar of Regulations.

Citizen Participation in the Rule-Making Process

As required by the Administrative Process Act, each agency of the Commonwealth is required to develop, adopt and utilize public participation guidelines for soliciting the input of interested parties in the formation and development of its regulations.

Citizens may participate in the process by which administrative regulations are adopted, amended, or repealed by submitting data or views on proposed regulations either orally or in writing, to the proposing agency (see General Notices and Calendar of Events section of the *Virginia Register*).

How to Follow State Agency Regulatory Action in the Virginia Register

Under the provisions of the Administrative Process Act, state agencies must publish in the *Virginia Register* the full text of proposed rules and regulations, if substantive, as well as a summary statement.

In addition, the agency is required to provide a public comment period and hold a public hearing. A notice of hearing will be published sixty days prior to the hearing. Such notices are published in the CALENDAR OF EVENTS section of the *Virginia Register*. Proposed regulations and adopted regulations are published in separate sections of the *Virginia Register*.

All executive orders and comments on regulations issued by the Governor are published under the GOVERNOR section.

The CALENDAR OF EVENTS section not only contains the notices of public comment periods and hearings but also all notices of meetings required to be open under the provisions of the Freedom of Information Act.

**VIRGINIA REGISTER OF REGULATIONS
PUBLICATION DEADLINES AND SCHEDULES**

ISSUE DATE	MATERIAL SUBMITTED BY 4:30 p.m. Friday	Will be included in PUBLICATION MAILED on Friday
Feb. 4	Jan. 18	Feb. 1
Feb. 18	Feb. 1	Feb. 15
Mar. 4	Feb. 15	Mar. 1
Mar. 18	Mar. 1	Mar. 15
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PROPOSED REGULATIONS

For information concerning Proposed Regulations, see information page.

Symbol Key

Roman type indicates existing text of regulations. *Italic type* indicates proposed new text. Language which has been stricken indicates proposed text for deletion.

DEPARTMENT OF HEALTH

Title of Regulations: VR 355-01-2. Virginia Voluntary Formulary.

Statutory Authority: §§ 32.1-12 and 32.1-79 et seq. of the Code of Virginia.

Public Hearing Date: August 23, 1985 - 10 a.m.
(See Calendar of Events Section for additional information)

Summary:

This revision to The Voluntary Formulary deletes all quinidine gluconate products produced by Bolar Pharmaceutical Company, Inc. from the Formulary as of January 1, 1986.

VR 355-01-2. Deletions From the Virginia Voluntary Formulary.

QUINIDINE GLUCONATE
Controlled Release Tablets

Bolar Pharmaceutical Co., Inc. 324mg
(all quinidine gluconate products produced by this manufacturer)

DEPARTMENT OF HIGHWAYS AND TRANSPORTATION

Title of Regulations: VR 385-01-2. Fares for Jamestown-Scotland Ferry.

Statutory Authority: § 33.1-254 of the Code of Virginia.

Public Hearing Date: July 10, 1985 - 7:30 p.m.
(See Calendar of Events Section for additional information)

Notice: The change in toll structure listed below is exempt from the provisions of Article 2 of the Administrative Process Act. The Highway and Transportation Commission has elected, however, to hold a public hearing.

Summary:

The fare schedule for the Jamestown-Scotland ferry is being changed, with emphasis on providing a reduced

rate for automobiles pulling trailers.

VR 385-01-2. Fares for Jamestown-Scotland Ferry.

PROPOSED RATES

Two-Axle (Gross Weight 3 Tons or Less One Way	\$2.00
Multi-Axle Single Unit & Two-Axle Greater than 3 Tons Gross Weight, One Way	4.00
Multi-Axle Multi-Unit (except tractor- Truck Semi-trailer combination) One Way	4.00
Tractor-truck Semi-Trailer Combination, One Way	6.00
Pedestrian or Bicycle	0.25
Commuter Book Tickets Two-Axle (gross Weight 3 Tons or Less) 20 Tickets per Book	7.00

PRESENT RATES

Two-Axle (Gross Weight 3 Tons or Less One Way	1.00
Multi-Axle Single Unit & Two-Axle Greater than 3 Tons Gross Weight, One Way	4.00
Multi-Axle Multi-Unit One Way	6.00
Pedestrian or Bicycle	0.15
Commuter Book Tickets Two-Axle (Gross Weight 3 Tons or Less) 20 Tickets per Book	5.00

DEPARTMENT OF SOCIAL SERVICES

Title of Regulations: VR 615-01-3. Maximum Resource Limit in the Aid to Dependent Children (ADC) and General Relief (GR) Programs.

Statutory Authority: § 63.1-25 of the Code of Virginia.

Summary:

As set forth in § 63.1-25 of the Code of Virginia, the State Board of Social Services has been delegated the authority to promulgate rules and regulations necessary for operation of public assistance programs in the Commonwealth. As provided herein, the Board

Proposed Regulations

intends to increase the maximum resource limit in the Aid to Dependent Children (ADC) and General Relief (GR) Programs from \$600 to \$1,000.

The current resource limit of \$600 was established by the Board effective January 1, 1978, and has not been updated since that time. It is the position of the Board that in light of the current cost of living, the resource limit should be increased to allow applicants/recipients of Aid to Dependent Children (ADC) and General Relief (GR) to retain a more reasonable amount of resources and still remain eligible for assistance.

VR 615-01-3. Maximum Resource Limit in the Aid to Dependent Children (ADC) and General Relief (GR) Programs.

PART I.

§ 1.1. The following words and terms, when used in these guidelines, shall have the following meaning, unless the context clearly indicates otherwise:

"Assistance unit" means those persons who have been determined categorically and financially eligible to receive an assistance payment.

"Available resource" means real and personal property, both liquid and nonliquid, including cash, bank accounts, the cash value of life insurance, trust funds, stocks, bonds, mutual funds or any other financial instruments which the assistance unit has the right, authority or power to liquidate.

"Exempted resource in the Aid to Dependent Children (ADC) Program" means the home in which the assistance unit lives and its contents; one motor vehicle with an equity value of \$1,500, or less; income producing farm and business equipment; cash and other assets, the total of which do not exceed the established resource maximum of ~~\$600~~ \$1,000; one burial plot per assistance unit member; and burial funds and/or funeral arrangements with an equity value of \$1,500, or less, per assistance unit member.

"Exempted resource in the General Relief (GR) Program" means the home in which the assistance unit lives and its contents; one motor vehicle, regardless of its value; the cash value of life, retirement or other related insurance policies with total face value not in excess of \$1,500, owned by an assistance unit member 21 years of age, or over; real property in litigation; income-producing farm and business equipment; income-producing real property, other than the home, unless the assistance unit's equity in the property is \$5,000, or more; cash and other assets, the total of which do not exceed the established resource maximum of ~~\$600~~ \$1,000; burial plots owned by the assistance unit; burial funds and/or funeral arrangements with an equity value of \$900, or less, per assistance unit member;

PART II.

§ 2.1. Any assets, real or personal, owned by an assistance unit, other than those specifically exempted, must be evaluated as an available resource and the value thereof considered in relation to the ~~\$600~~ \$1,000 maximum resource limit. The value of nonliquid real and/or personal property to be deemed an asset to the assistance unit is their equity in the property. When the assistance unit has available resources totaling more than ~~\$600~~ \$1,000, eligibility does not exist.

§ 2.2. In the Aid to Dependent Children (ADC) Program, the assistance unit's equity in a motor vehicle in excess of the exempted \$1,500 is considered in relation to the ~~\$600~~ \$1,000 allowable reserve. In the Aid to Dependent Children (ADC) and General Relief (GR) Programs, the assistance unit's equity in burial funds and/or funeral arrangements in excess of the exempted amount is to be considered in relation to the ~~\$600~~ \$1,000 allowable reserve.

Title of Regulations: VR 615-01-4. Disclosure of Information to Law-Enforcement Officers in the Aid to Dependent Children (ADC) Program.

Statutory Authority: § 63.1-25 of the Code of Virginia.

Summary:

As set forth in § 63.1-25 of the Code of Virginia, the State Board of Social Services has been delegated the authority to promulgate rules and regulations necessary to operate public assistance programs in the Commonwealth. At the direction of the Board, the proposed amendment to the Aid to Dependent Children (ADC) Program has been approved for a 60-day public comment period.

It is the intent of the Board to allow local departments of social services to disclose the address of a current recipient of Aid to Dependent Children to a state or local law-enforcement officer if the recipient is a fugitive felon. Under current regulations, a recipient must be advised of each such request for information and must provide written authorization before the requested information may be released.

As set forth in the federal Deficit Reduction Act of 1984 (P.L. 98-369), states need not enact legislation relaxing privacy laws in order to adopt the regulation as described herein.

PART I.

§ 1.1. The following words and terms, when used in these guidelines, shall have the following meaning, unless the context clearly indicated otherwise:

"Fugitive felon" means any person charged with a crime which is punishable by death, or which is a felony under the law in the place from which the person flees,

Proposed Regulations

or which, in the case of New Jersey is a high misdemeanor under the law of said state who flees to avoid prosecution, or custody or confinement after conviction.

PART II.

§ 2.1. Law-enforcement officials shall be given access to information concerning applicants/recipients, in programs other than the Aid to Dependent Children (ADC) Program, only in accordance with the provisions set forth below. If a request is received for information for purposes of an investigation or proceeding not related to a public assistance program, e.g., a bank robbery or murder, the request shall be denied; except for a court order. Information shall only be disclosed if:

1. The client is informed of a request for information from an outside source and the client's written permission is obtained by the requesting party.
2. The person or organization seeking the information requests specific information with respect to an individual client. Lists of applicants or recipients shall not be disclosed.
3. The client's worker discusses with the client the possible consequences of the disclosure, where appropriate.
4. The responsibility for providing information requested by individuals or organizations rests with the superintendent/director of the local department. Such responsibility may be delegated.
5. If these provisions are not complied with, no information shall be released.

Disclosure is permitted, however, in connection with any investigation, prosecution, or civil proceeding conducted in connection with the administration of one of the public assistance programs. Information shall be disclosed to law-enforcement agencies and Commonwealth's and county/city attorneys involved in a welfare fraud prosecution or a criminal or civil child support proceeding or any other investigation or program.

§ 2.2. For purposes of the Aid to Dependent Children (ADC) Program, the worker shall disclose to a state or local law-enforcement officer the address of a current recipient who is a fugitive felon. Prior to providing such information, the officer shall furnish the recipient's name, social security number and evidence of an outstanding warrant for the arrest or apprehension of the fugitive felon in order to demonstrate that:

1. The recipient is a fugitive felon;
2. The location or apprehension of the fugitive felon is within the officer's official duties; and

3. The request is made in the proper exercise of those duties.

Disclosure of information for purposes other than those set forth in this section is subject to the provisions of § 2.1.

Title of Regulations: VR 615-01-5. Collection of Overpayments in the Aid to Dependent Children (ADC) and Refugee Other Assistance Programs.

Statutory Authority: § 63.1-25 of the Code of Virginia.

Summary:

Enactment of the Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35) mandated states collect all overpayments of assistance in the Aid to Dependent Children and Refugee Other Assistance Programs, including overpayments resulting from assistance paid pending appeal hearing decisions. With passage of the Deficit Reduction Act of 1984, however, states may elect to forego collection of overpayments from former recipients which total less than \$35. This provision also provides states with the latitude to determine when it is no longer cost-effective to proceed with action to collect overpayments from former recipients which are \$35, or more.

VR 615-01-5. Collection of Overpayments in the Aid to Dependent Children (ADC) and Refugee Other Assistance Programs.

PART I.

§ 1.1. The following words and terms, when used in these guidelines, shall have the following meaning, unless the context clearly indicates otherwise:

"Former recipient" means an individual who is not presently receiving an assistance payment through the Aid to Dependent Children (ADC) or Refugee Other Assistance Program.

"Overpayment" means an assistance payment made by a local department of social services which is incorrect because: (i) the assistance unit does not meet eligibility requirements and is ineligible for an assistance payment in a given month, or (ii) the payment is greater than the amount to which the assistance unit is entitled.

"Reasonable effort" means attempting to notify the former recipient of the amount of the overpayment, the reason the overpayment occurred and that repayment is required.

"Recoupment" means withholding all or part of an assistance payment to a current assistance unit for the purpose of repaying a prior overpayment.

"Recovery" means a voluntary or court ordered arrangement with a current or former recipient for repayment of all or a portion of an overpayment.

PART II.

§ 2.1. A local department of social services is to promptly recoup or recover any overpayment from a current recipient of Aid to Dependent Children (ADC) or Refugee Other Assistance, including overpayments which are the result of assistance paid pending an appeal hearing decision in which the adverse action taken by the agency is upheld by the hearing authority. All overpayments which were made to former recipients which are less than \$35 shall be waived and no collection action is to be taken. In cases where an overpayment to a former recipient is \$35, or more, the agency may elect to forego collection activity if, after reasonable efforts, it is determined that further action to collect the overpayment would not be cost-effective. To ensure reasonable efforts have been made to collect the overpayment, the agency must: (i) have documentary evidence that they cannot locate the former recipient, or (ii) determine that the former recipient has no means by which to repay the overpayment, or (iii) secure a written statement from the former recipient that they refuse to repay the overpayment. The agency must maintain information for three years concerning former recipients who received an overpayment, including overpayments which are less than \$35, and must initiate recoupment procedures should one or more of those individuals again be found eligible to receive assistance.

In instances where the overpayment is based on alleged fraud, the case shall be referred to the Commonwealth's Attorney for review. No collection action is to be taken pending a determination by the Commonwealth's Attorney as to whether criminal proceedings will be initiated. In situations involving fraud, the agency shall not forego collection of an overpayment to a former recipient which is less than \$35, or \$35, or more, as set forth in § 2.1.

FINAL REGULATIONS

For information concerning Final Regulations, see information page.

Symbol Key

Roman type indicates existing text of regulations. *Italic type* indicates new text. Language which has been stricken indicates text to be deleted. [Bracketed language] indicates a substantial change from the proposed text of the regulations.

COMMISSION OF GAME AND INLAND FISHERIES

Note: *The Commission of Game and Inland Fisheries is exempted from the Administrative Process Act, (§ 9-6.14:4 of the Code of Virginia); however, it is required by § 9-6.14:22 to publish all proposed and final regulations. These regulations are numbered to conform to the new classification system by the Virginia Code Commission. Numbers in parenthesis are the existing regulation numbers.*

Summary:

Summaries are not provided since, in most instances, the summary would be as long or longer than the full text.

Effective Date: July 1, 1985.

The Commission of Game and Inland Fisheries pursuant to §§ 29-125, 29-126 and 29-127 of the Code of Virginia, has adopted the following changes in Commission regulations applicable STATEWIDE.

PART II (VR 325-02.) Game.

Chapter 4. (VR 325-02-3.) Beaver.

Amend R4-3 (§ 5) to read as follows:

R4-3. (§ 5.) Pelts to be sealed before sale, etc.

It shall be unlawful to buy, sell, barter, exchange, traffic or trade in, bargain for, solicit for, purchase, or transport out of the *State Commonwealth*, any beaver pelts until the pelts have been sealed by an agent of the Commission. *All beaver pelts required to be sealed under the provisions of this section must be sealed not later than April 1 of the license year in which the animal is taken.*

Chapter 5. (VR 325-02-4.) Bobcat.

Amend R5-02 (§ 2) to read as follows:

R5-02. (§ 2.) Open season for trapping.

It shall be lawful to trap bobcat from ~~December 1~~ *November 15* through January 31, both dates inclusive.

Amend R5-2 (§ 5) to read as follows:

R5-2. (§ 5.) Pelts to be sealed before sale, etc.

It shall be unlawful to *tan, mount*, buy, sell, barter, exchange, traffic or trade in, bargain for, solicit for, purchase, or transport out of the *State Commonwealth*, any bobcat pelts until the pelts have been sealed by an agent of the Commission. *All bobcat pelts or unskinned carcasses required to be sealed under the provisions of this section must be sealed not later than April 1 of the license year in which the animal is taken.*

Chapter 6. (VR 325-02-6.) Deer.

Amend subsection (a-2) (subsection C) of R6-3 (§ 4), regarding bow and arrow hunting, to read as follows:

(a-2) *C. Bag limit. Notwithstanding other provisions of this ~~chapter, regulation~~, it shall be lawful to take deer of either sex during the archery seasons provided for in subsection ~~(a)~~, A. and B. ~~(a-1, and a-1.1)~~ of this ~~regulation~~ *section*; provided, that the taking of such deer is within the total daily and seasonal bag limits provided for deer; *provided further, that no more than two deer of either sex may be taken under the provisions of the special archery license, which shall be in addition to the seasonal bag limits provided for deer.**

Chapter 8. (VR 325-02-8.) Fox.

Article 3. (PART III) Trapping.

Amend R8-8 (§ 3.1) [*to change the opening date for trapping foxes from December 1 to November 15*] .

[*to read as follows: R8-8. (§ 3.1.) Open season. Except as otherwise specifically provided by local legislation and with the specific exceptions provided in the regulations appearing in this ~~chapter~~ regulation, it shall be lawful to trap foxes from ~~December 1~~ *November 15* through January 31, both dates inclusive*]

[*Article 4.*

Final Regulations

—(PART IV)
Miscellaneous.

Amend R8-11 (§ 4.1) to read as follows:

R8-11. (§ 4.1.) Killing by owner or tenant.

The owner or tenant may kill or have killed foxes at any time on his own land or land under his control.]

Chapter 12.
(VR 325-02-14.)
Opossum.

Article 2.
(PART 2)
Trapping.

Rescind R12-6, relative to trapping opossum in the George Washington National Forest and certain wildlife management areas.

Chapter 13.
(VR 325-02-15.)
Otter.

Amend R13-2 (§ 4) to read as follows:

R13-2. (§ 4.) Pelts to be sealed before sale, etc.

It shall be unlawful to buy, sell, barter, exchange, traffic or trade in, bargain for, solicit for, purchase or transport out of the State Commonwealth, any otter pelts until the pelts have been sealed by an agent of the Commission. All otter pelts required to be sealed under the provisions of this regulation must be sealed not later than April 1 of the license year in which the animal is taken.

Chapter 16.
(VR 325-02-19.)
Raccoon.

Article 2.
(PART II)
Hunting and Trapping.

Rescind R16-6.2, relative to trapping raccoon in the George Washington National Forest and certain wildlife management areas.

Chapter 18.
(VR 325-02-22.)
Turkey.

Amend R18-2.2 (§ 3) to read as follows:

R18-2.2. (§ 3.) Open season— 1984 1986 and 1985 1987 seasons for bearded turkeys.

It shall be lawful to hunt bearded turkeys only from

April 14 through May 12, 1984, [April 19 through May 17, 1986; the second Saturday in April through the second Saturday in May, 1986,] both dates inclusive, and from April 13 through May 11, 1985, [April 18 through May 16, 1987; the second Saturday in April through the second Saturday in May, 1987,] both dates inclusive, from one-half hour before sunrise to 11 a.m. Bearded turkeys may be hunted by calling. It shall be unlawful to use dogs or organized drives for the purpose of hunting.

Chapter 18.1.
(VR 325-02-23.)
Falconry.

Amend R18.1-1 (§ 1) to read as follows:

R18.1-1. (§ 1.) "Raptor" defined Definitions .

As used in this chapter regulation :

1. "Raptor" means and includes any live hawk migratory bird of the family Accipitridae order Falconiformes or the order Strigiformes , other than a bald eagle (*Haliaeetus leucocephalus*), and any live great horned owl (*Bubo virginianus*); and no other species may be taken, held in captivity or used for falconry by virtue of any permit issued pursuant to this chapter.

2. "Permittee" means any holder of a valid falconry permit issued by Virginia or any other state or federal agency authorized to issue such permits or licenses.

3. "Take" means to trap, capture or attempt to trap or capture a raptor for the purposes of falconry.

Amend R18.1-2 (§ 2) by adding a new subsection (d) D. , to read as follows:

(d) D. A person who is a nonresident of the state may engage in falconry in Virginia provided he possesses a valid Virginia nonresident hunting license and satisfactory evidence that such person legally possesses the raptor and a valid falconry permit issued by the state of residence.

Amend R18.1-3 (§ 3), paragraph (a)(4) A.4. , to read as follows:

(4) 4. Permittee shall possess only the following raptors, which must be taken from the wild : An American Kestrel; (~~Falco sparverius~~), a red-tailed hawk; (~~Buteo jamaicensis~~), or a red-shouldered hawk. (~~Buteo lineatus~~).

Amend R18.1-3 (§ 3), paragraph (c)(2) C.2. , to read as follows:

(2) 2. Permittee may not possess more than two three raptors and may not obtain more than two raptors taken from the wild for replacement birds during any 12-month period.

Amend R18.1-5 (§ 5) by adding thereto a new subsection

Final Regulations

(d) D. , to read as follows:

(d) D. A permittee may replace the numbered seamless band on a captive bred bird with a standard adjustable yellow marker furnished by the Fish and Wildlife Service; however, once the seamless marker is removed, the bird may no longer be purchased, sold, or bartered.

Amend R18.1-6 (§ 6) by amending subsection (b) B. to read as set out below and adding thereto subsections (d) and (e) D. and E. as set out below:

(b) B. In addition, there shall be an open season for taking first-year passage birds, also called passagers (hawks caught wild before first moult), from August 4 September 15 through November 30 January 11 of each year only; except, that marked raptors may be retrapped at any time.

(d) D. A nonresident raptor trapping permit may be issued to applicants for the purpose of taking a raptor in Virginia, provided that his resident state is a state listed in Paragraph (k), Subpart C, part 21.29, Chapter I of Title 50, Code of Federal Regulations, as a participating state, and his resident state issues nonresident falconry permits or licenses, or otherwise provides for the taking of raptors by nonresidents. Nonresident applicants shall submit a copy of a valid resident state falconry permit and a copy of a valid import permit from their resident state. Nonresident permits shall be issued only in the general or master class.

(e) E. A permittee may purchase, sell, or barter any lawfully possessed raptor which was bred in captivity under authority of a raptor propagation permit issued under Part 21.30, Chapter I of Title 50, Code of Federal Regulations, and banded with a numbered seamless marker issued or authorized by the Fish and Wildlife Service.

Amend R18.1-8 (§ 8) to read as follows:

R18.1-8. (§ 8.) Season for ~~falconry~~ raptor hunting.

It shall be lawful to hunt nonmigratory game birds and game animals with ~~falcons~~ raptors from October 1 through March 31, both dates inclusive.

Add a new regulation (section) numbered R18.1-8.1 (§ 9) to read as follows:

R18.1-8.1. (§ 9.) Sunday hunting.

It shall be lawful to hunt nonmigratory game birds and game animals with raptors on Sunday.

Add a new regulation (section) numbered R18.1-8.2 (§ 10) to read as follows:

R18.1-8.2. (§ 10.) Out of season, wrong species or sex,

etc., kills by raptors.

A permittee whose raptor accidentally kills quarry that is out of season or of the wrong species or sex, or otherwise protected, must leave the dead quarry where it lies; except, that the raptor may feed upon the quarry prior to leaving the site of the kill.

Chapter 22.
(VR 325-02-27.)
Permits.

Amend R22-13 (§ 14) to read as follows:

R22-13. (§ 14.) Shooting wild birds and wild animals from stationary vehicle by disabled person.

Any person, upon application to a game warden and the presentation of a medical doctor's written statement that such person is permanently unable to walk, or is otherwise permanently physically disabled to the extent he or she cannot safely hunt except from a vehicle, may, in the discretion of such game warden, be issued a permit to shoot wild birds and wild animals from a stationary vehicle during established open hunting seasons and in accordance with other existing laws and regulations except that deer of either sex will be legal where deer hunting is permitted. Such permit will be issued on a form provided by the Commission, and which may authorize shooting from a stationary vehicle not less than 300 feet from nor across any public road or highway, and only when the bearer is properly licensed to hunt. Such permit shall be nontransferable, and any permit found in the possession of any person not entitled to such permit shall be subject to immediate confiscation by a game warden. Deer of either sex may be taken under the provisions of this permit in those counties where deer hunting is permitted.

PART IV
(VR 325-04.)
Watercraft.

Chapter 29.
(VR 325-04-2.)
Motorboat Numbering.

Amend R29-1 (§ 1) to read as follows:

R29-1. (§ 1.) Application for certificate of number.

An application for a certificate of number for a motorboat, as required by the Virginia Motorboats and Watercraft Safety Law, shall contain the following information: The name and address citizenship and year of birth of owner, county or city where boat is principally kept, present number on boat (if any), hull material (wood, steel, aluminum, plastic, other fiberglass, metal, inflatable, other), type of propulsion (outboard, inboard other and inboard/outboard, auxiliary sail - outboard, inboard), type of fuel (gas, diesel, other electric), make and year built (if known), length overall, statement as to

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use (pleasure, livery, dealer, manufacturer, commercial passenger, commercial fishing, commercial other), a statement of ownership by applicant and signature of owner.

Amend R29-5 (§ 5) [to read as follows:

R-29-5. (§ 5.) Report of transfer of ownership of motorboat; notification of theft or recovery of vessel, or loss or destruction of certificate.

Whenever a motorboat for which there exists a certificate of number changes ownership, the seller shall report such transfer to the commission on a form provided by the commission, accompanied by that existing certificate of number. The holder of a certificate of number shall notify the commission within 15 days of the theft or recovery of a vessel, or loss or destruction of a valid certificate of number, to delete the present requirement of submitting the existing certificate of number when a transfer of ownership is reported to the Commission.]

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The Commission of Game and Inland Fisheries pursuant to §§ 29-125, 29-126 and 29-127 of the Code of Virginia, has adopted the following changes in Commission regulations applicable to all counties EAST OF THE BLUE RIDGE MOUNTAINS.

PART II
(VR 325-02.)
Game.

Chapter 6.
(VR 325-02-6.)
Deer.

Amend R6-6.1 (§ 8) to read as follows:

R6-6.1. (§ 8.) Bag limit—One a day, two a license year, either sex last three days, in certain counties and areas.

The bag limit for deer shall be one a day, two a license year, either sex on the last three hunting days only, in the counties of Amherst, Appomattox (except on Buckingham Appomattox State Forest), Bedford, Buckingham (except on Buckingham-Appomattox State Forest), Campbell, Cumberland (except on Cumberland State Forest), Fluvanna, Franklin (except on Philpott Reservoir), Goochland, Henry (except on Fairystone Wildlife Management Area and Philpott Reservoir), Nelson (west of Route 151), Patrick (except on Fairystone Park, Fairystone Wildlife Management Area and Philpott Reservoir), Pittsylvania, Powhatan, and Prince George; and on Fort A.P. Hill (nonimpact areas), Fort Pickett, and the Leesville Wildlife Management Area.

Amend R6-7 (§ 9) to read as follows:

R6-7. (§ 9.) Bag limit—One a day, two a license year, either sex last 12 days, in certain counties ; cities and areas.

The bag limit for deer shall be one a day, two a license year, either sex during the last 12 hunting days only, in the counties of Amelia, Brunswick, Caroline, Chesterfield (except on Presquite National Wildlife Refuge), Essex, Fauquier (except on the G. Richard Thompson and Chester F. Phelps Wildlife Management Areas), Greensville, Isle of Wight, King and Queen, King George, King William, Lancaster, Loudon, Mecklenburg, Northumberland, Rappahannock, Richmond, Southampton, Surrey, Sussex and Westmoreland; in the City of Suffolk (except Dismal Swamp National Wildlife Refuge); and on Fort A.P. Hill (impact area) and Quantico Marine Reservation .

Amend R6-7.4 (§ 12) to read as follows:

R6-7.4. (§ 12.) Bag limit—One a day, two a license year, either sex last six days, in certain counties, cities and areas.

The bag limit for deer shall be one a day, two a license year, either sex on the last six hunting days only, in the counties of Accomack (except on Chincoteague National Wildlife Refuge and Parramore Island, Albemarle, Amelia, Buckingham (except on Buckingham Appomattox State Forest), Caroline, Charlotte, Chesterfield, Charles City, Culpeper, Cumberland (except on Cumberland State Forest), Dinwiddie (except on Fort Pickett), Fluvanna, Gloucester, Goochland, Halifax, Hanover, Henrico, James City, King William, Louisa, Lunenburg, Mecklenburg, Nelson (east of Route 151), New Kent, Northampton, Nottoway (except on Fort Pickett), Orange, Powhatan, Prince Edward (except on Prince Edward State Forest), Prince William (except on Harry Diamond Laboratory and Quantico Marine Reservation), Spotsylvania, Stafford (except on Quantico Marine Reservation), and York (except on Camp Peary, Cheatham Annex and Naval Weapons Station); and in the cities of Chesapeake (except on Dismal Swamp National Wildlife Refuge), Hampton (except on Langley Air Force Base), Newport News (except on Fort Eustis), and Virginia Beach ; and on the G. Richard Thompson and Chester F. Phelps Wildlife Management Areas .

Chapter 12.
(VR 325-02-14.)
Opossum.

Article 2.
(PART 2)
Trapping.

Amend R12-4 (§ 2.1) [to read as follows:

R12-4. (§2.1.) Open season—Counties east of Blue Ridge Mountains. Except as otherwise specifically provided in the regulations sections appearing in this regulation chapter ,

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it shall be lawful to trap opossum in all counties east of the Blue Ridge Mountains from December 1 November 15 through the last day of February, both dates inclusive. to change the opening date for trapping opossum east of the Blue Ridge Mountains from December 1 to November 15 :

]

Chapter 14.
(VR 325-02-17.)
Quail.

Amend R14-1 (§ 1) to read as follows:

R14-1. (§ 1.) Open season—Counties east of Blue Ridge Mountains generally . Except as otherwise specifically provided by the sections appearing in this regulation, it shall be lawful to hunt quail in all counties east of the Blue Ridge Mountains from the Monday immediately preceding Thanksgiving through the last day of February, both dates inclusive.

Add a new regulations (section), numbered R14-1.2 (§ 2), to read as follows:

R14-1.2. (§ 2.) [Open season—Fort Pickett.

It shall be lawful to hunt quail from the second Monday in November through January 31 on Fort Pickett. Open season—Counties east of the Blue Ridge Mountains and west of highways I-85 and I-95.

It shall be lawful to hunt quail from the first Monday in November through January 31, both dates inclusive, in the counties of Albemarle, Amelia, Amherst, Appomattox, Bedford, Buckingham, Campbell, Charlotte, Culpeper, Cumberland, Fauquier, Fluvanna, Franklin, Goochland, Greene, Halifax, Henry, Loudoun, Louisa, Lunenburg, Madison, Nelson, Nottoway, Orange, Patrick, Pittsylvania, Powhatan, Prince Edward, and Rappahannock; and west of Interstate Route I-85 in the counties of Brunswick, Dinwiddie, and Mecklenburg; and west of Interstate Route I-95 in the counties of Caroline, Chesterfield, Fairfax, Hanover, Henrico, Prince William, Spotsylvania and Stafford.]

Amend R14-3 (§ 4) to read as follows:

R14-3. (§ 4.) Bag limit.

The bag limit for quail shall be eight a day and 125 a license year ; provided, that the bag limit for quail shall be two per day on the Elm Hill Wildlife Management Area .

Chapter 16.
(VR 325-02-19.)
Raccoon.

Article 1.
(PART I)
Chasing.

Amend R16-2 (§ 1.1) to read as follows:

R16-2. (§ 1.1.) Open season—Counties east of Blue Ridge Mountains; possession of certain devices unlawful.

Except as otherwise specifically provided in the regulations sections appearing in this chapter regulation, it shall be lawful to chase raccoon with dogs, without capturing or taking, in all counties east of the Blue Ridge Mountains (except on the George Washington and Jefferson National Forests) from August 1 through May 31, both dates inclusive. It shall be unlawful to have in immediate possession a firearm, bow, axe, saw, or any tree climbing device while hunting during this chase season.

Article 2.
(PART II)
Hunting and Trapping.

Amend R16-6 (§ 2.3) to read as follows:

R16-6. (§ 2.3.) Open season for trapping—Counties east of the Blue Ridge Mountains.

Except as otherwise specifically provided by local legislation and with the specific exceptions provided in the regulations sections appearing in this chapter, regulation, it shall be lawful to take raccoon by trapping in all counties east of the Blue Ridge Mountains from December 1 November 15 through the last day of February, both dates inclusive.

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The following changes in Commission regulations applicable to all COUNTIES WEST OF THE BLUE RIDGE MOUNTAINS.

PART II
(VR 325-02.)
Game.

Chapter 12.
(VR 325-02-14.)
Opossum.

Article 2.
(PART 2)
Trapping.

Amend R12-5 (§ 2.2) [to read as follows:

R12-5. (§ 2.2) Open season—Counties west of the Blue Ridge Mountains. Except as otherwise specifically provided in the regulations sections appearing in this regulation, chapter, it shall be lawful to trap opossum in all counties west of the Blue Ridge Mountains from December 1 November 15 through January 31, both dates inclusive. to change the opening date for trapping opossum west of the Blue Ridge Mountains from December 1 to November 15 :

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Chapter 16.
(VR 325-02-19.)
Raccoon.

Article 1.
(PART I)
Chasing.

Add a new regulation (section), numbered R16-2.2 (§ 1.2), to read as follows:

R16-2.2. (§ 1.2.) Open season—Counties west of the Blue Ridge Mountains; possession of certain devices unlawful.

It shall be lawful to chase raccoon with dogs, without capturing or taking, on private lands in all counties west of the Blue Ridge Mountains from August 1 through the last day of February, both dates inclusive. It shall be unlawful to have in immediate possession a firearm, bow, axe, saw, or any tree climbing device while hunting during this chase season.

Article 2.
(PART II)
Hunting and Trapping.

Amend R16-6:1 (§ 2.4) to read as follows:

R16-6:1. (§ 2.4.) Open season for trapping—Counties west of the Blue Ridge Mountains.

Except as otherwise specifically provided in the regulations sections appearing in this chapter, regulation, it shall be lawful to take raccoon by trapping in all counties west of the Blue Ridge Mountains from December 1 November 15 through January 31, both dates inclusive.

The following changes in Commission regulations applicable to FAUQUIER COUNTY.

PART II
(VR 325-02.)
Game.

Chapter 2.
(VR 325-02-1.)
In General.

Rescind R2-8.3, regarding special provisions for seasons and bag limits on G. Richard Thompson Wildlife Management Area.

The following changes in Commission regulations applicable to PULASKI COUNTY.

PART II
(VR 325-02.)
Game.

Chapter 6.
(VR 325-02-6.)
Deer.

Amend R6-2 (§ 2) to read as follows:

R6-2. (§ 2.) Open season—Counties west of Blue Ridge Mountains and certain counties or parts thereof east of Blue Ridge Mountains.

It shall be lawful to hunt deer on the third Monday in November and for eleven consecutive hunting days following in the counties west of the Blue Ridge Mountains (except on the Radford Army Ammunition Plant in Pulaski County), and in the counties of Amherst (west of U.S. Route 29), Bedford, Campbell (west of Southern Railroad), Franklin, Henry, Nelson (west of Route 151), Patrick and Pittsylvania (west of Southern Railroad); and on the Leesville Wildlife Management Area.

The following changes in Commission regulations applicable to COUNTIES WEST OF THE BLUE RIDGE MOUNTAINS and the COUNTIES OF AMHERST, BEDFORD, CAMPBELL, FRANKLIN, HENRY, NELSON, PATRICK and PITTSYLVANIA.

PART II
(VR 325-02.)
Game.

Chapter 6.
(VR 325-02-6.)
Deer.

Amend subsection (b) (subsection B.) of R6-3.1 (§ 5), regarding muzzle-loading gun hunting, to read as follows:

(b) B. Only deer with antlers visible above the hair may be taken with a muzzle-loading gun during a special muzzle-loading season, and any deer taken during such special season shall apply toward the seasonal bag limit for deer in said county or area open to fall deer hunting ; provided, that deer of either sex may be taken on the last day of a special muzzle-loading season in counties permitting either sex deer hunting during the general firearms deer season .

The following changes in Commission regulations applicable to COUNTIES WEST OF THE BLUE RIDGE MOUNTAINS and the COUNTIES OF FRANKLIN, HENRY and PATRICK.

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PART II
(VR 325-02.)
Game.

Chapter 6.
(VR 325-02-6.)
Deer.

Amend R6-6 (§ 7) to read as follows:

R6-6. (§ 7.) Bag limit—One a day, two a license year, either sex last two days, in certain counties and areas.

The bag limit for deer shall be one a day, two a license year, either sex last two hunting days only, in the counties of ~~Franklin (except on Philpott Reservoir), Henry (except on Fairystone Wildlife Management Area and Philpott Reservoir) and Patrick (except on Fairystone Park, Fairystone Wildlife Management Area and Philpott Reservoir)~~ Alleghany, Augusta, Bath, Bland, Botetourt, Carroll, Clarke, Craig, Floyd, Frederick, Giles, Grayson, Highland, Montgomery, Page, Pulaski (except on the Radford Army Ammunition Plant), Roanoke, Rockbridge, Rockingham, Shenandoah, Smyth (except on Clinch Mountain Wildlife Management Area), Warren, and Wythe.

The following changes in Commission regulations applicable to COUNTIES EAST OF THE BLUE RIDGE MOUNTAINS and PULASKI COUNTY.

PART II
(VR 325-02.)
Game.

Chapter 6.
(VR 325-02-6.)
Deer.

Amend R6-7.1 (§ 10) to read as follows:

R6-7.1. (§ 10.) Bag limit—One a day, *three* a license year, either sex, *one of which must be an antlerless deer*, in certain counties, *cities* and areas.

The bag limit for deer shall be one a day, *three* a license year, either sex, *one of which must be an antlerless deer*, in the county of Fairfax, and on *Back Bay National Wildlife Refuge, Camp Peary, Cheatham Annex, Chincoteague National Wildlife Refuge (sika and white tail in the aggregate), Dahlgren Naval Surface Weapons Center, False Cape State Park, Fort Belvoir, Fort Eustis, Harry Diamond Laboratory, Langley Air Force Base, Naval Weapons Station, ~~Parramore Island~~, Quantico Marine Corps Reservation, Radford Army Ammunition Plant, the city of Suffolk (except west of the Dismal Swamp line), and Dismal Swamp and Presquile National Wildlife Refuges.*

The following changes in Commission regulations

applicable to COUNTIES WEST OF THE BLUE RIDGE MOUNTAINS and the COUNTIES OF APPOMATTOX and PRINCE GEORGE.

PART II
(VR 325-02.)
Game.

Chapter 6.
(VR 325-02-6.)
Deer.

Amend R6-7.2 (§ 11) to read as follows:

R6-7.2. (§ 11.) Bag limit—One a day, two a license year, either sex last day, in certain counties and areas.

The bag limit for deer shall be one a day and two a license year, either sex the last hunting day only, in the counties of ~~Alleghany, Augusta, Bath, Bland, Botetourt, Carroll, Clarke, Craig, Floyd, Frederick, Giles, Grayson, Appomattox, Greene, Highland, Madison, Mathews, and Middlesex, Montgomery, Page, Prince George, Pulaski, Roanoke, Rockbridge, Rockingham, Shenandoah, Smyth (except on Clinch Mountain Wildlife Management Area), Warren and Wythe~~, and on Buckingham-Appomattox State Forest, Cumberland State Forest, and Prince Edward State Forest.

The following changes in Commission regulations applicable to the COUNTIES OF ACCOMACK, CHARLES CITY, NEW KENT and NORTHAMPTON.

PART II
(VR 325-02.)
Game.

Chapter 6.
(VR 325-02-6.)
Deer.

Add a new regulations (section), numbered R6-7.7 (§ 13), to read as follows:

R6-7.7. (§ 13.) Bag limit—One a day, three a license year, one of which must be an antlerless deer, either sex last six days, in certain counties.

The bag limit for deer shall be one a day, three a license year, one of which must be an antlerless deer, either sex last six days, in the counties of Accomack (except on Chincoteague National Wildlife Refuge), Charles City, New Kent and Northampton.

The following changes in Commission regulations applicable to the COUNTIES OF GREENSVILLE, ISLE OF

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WIGHT, SOUTHAMPTON, SURRY, SUSSEX and in the CITY OF SUFFOLK.

PART II.
(VR 325-02.)
Game.

Chapter 6.
(VR 325-02-6.)
Deer.

Add a new regulation (section), numbered R6-7.8 (§ 14), to read as follows:

R6-7.8. (§ 14.) Bag limit—One a day, three a license year, one of which must be an antlerless deer, either sex last 24 days, in certain counties and cities.

The bag limit for deer shall be one a day, three a license year, one of which must be an antlerless deer, either sex last 24 days, in the counties of Greenville, Isle of Wight, Southampton, Surry, Sussex, and in the city of Suffolk (west of Dismal Swamp line).

The following changes in Commission regulations applicable to the COUNTY OF GREENE.

PART II
(VR 325-02.)
Game.

Chapter 17.
(VR 325-02-21.)
Squirrel.

Article 1.
(PART I)
Gray and Red Squirrel.

Amend R17-6 (§ 1.6) by adding Greene County thereto, thereby providing for an early squirrel hunting season in Greene County, from October 1 through 14, inclusive, and from the first Monday in November through January 31, inclusive.

The following changes in Commission regulations applicable to NOTTOWAY COUNTY.

PART II
(VR 325-02.)
Game.

Chapter 17.
(VR 325-02-21.)
Squirrel.

Article 1.
(PART I)

Gray and Red Squirrel.

Amend R17-8 (§ 1.7) to read as follows:

R17-8. (§ 1.7.) Season—Certain counties—October 15 through January 31.

It shall be lawful to hunt squirrel from October 15 through January 31, both dates inclusive, *in the County of Nottoway; and on the Camp Fort Pickett Military Reservation*, in the Counties of Brunswick, Dinwiddie and Nottoway, and on Fort A.P. Hill.

The following changes in Commission regulations applicable to RUSSELL COUNTY.

PART II
(VR 325-02.)
Game.

Chapter 18.
(VR 325-02-22.)
Turkey.

Amend R18-1.1 (§ 2) to read as follows:

R18-1.1. (§ 2.) Open season—Certain counties and areas.

It shall be lawful to hunt turkeys on the first Monday in November and for 11 consecutive hunting days following in the Counties of Charles City, Chesterfield, Greenville, Henrico, Lee, Mecklenburg, Middlesex, New Kent, Prince George, Russell (*except on Clinch Mountain Wildlife Management Areas*), Scott, Sussex, Wise and York, and on Camp Peary.

The following changes in Commission regulations applicable to the COUNTY OF FAIRFAX.

PART II
(VR 325-02.)
Game.

Chapter 19.
(VR 325-02-24.)
Waterfowl and Waterfowl Blinds.

Add a new regulation (section) numbered R19-5.2 (§ 11), to read as follows:

R19-5.2. (§ 11.) Disturbing, taking, etc., waterfowl within Mason Neck State Park.

It shall be unlawful to take, attempt to take, pursue or disturb waterfowl on those waters within the boundaries of Mason Neck State Park located in Fairfax County, known

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as Kane Creek Water Fowl Refuge.

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The following changes in Commission regulations applicable to the BACK BAY AREA, VIRGINIA BEACH.

PART II
(VR 325-02.)
Game.

Chapter 19.
(VR 325-02-24.)
Waterfowl and Waterfowl Blinds.

Amend R19-10 (§ 16) to read as follows:

R19-10. (§ 16.) ~~Operation of motorboats and~~ Shooting hours on Back Bay and adjacent marshes.

Motorboats may not be operated or occupied on the waters of Back Bay, its tributaries and the marshes contiguous thereto by persons hunting migratory game birds during hunting season prior to one-half hour before sunrise. Shooting migratory waterfowl on Back Bay, its tributaries and the marshes contiguous thereto is prohibited after 4:20 p.m. during hunting season.

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The following changes in Commission regulations applicable to ISLE OF WIGHT COUNTY.

PART II
(VR 325-02.)
Game.

Chapter 19.
(VR 325-02-24.)
Waterfowl and Waterfowl Blinds.

Add a new regulation (section) numbered R19-4.3 (§ 8), to read as follows:

R19-4.3. (§ 8.) Blinds adjacent to Ragged Island Wildlife Management Area.

No license shall be issued for stationary waterfowl blinds in the adjacent waters to mid-channel of Kings Creek and Ragged Island Creek or in the adjacent waters of the James River and Batten Bay within 1000 yards of the Ragged Island Wildlife Management Area in Isle of Wight County.

Chapter 20.
(VR 325-02-25.)
Firearms.

Amend R20-6 (§ 6) to read as follows:

R20-6. (§ 6.) Use of firearms loaded with slugs and

discharge of firearms near boardwalk or nature trail on Ragged Island Wildlife Management Area.

It shall be unlawful to shoot or hunt with a rifle, pistol or shotgun loaded with slugs or to discharge a firearm within 100 yards of the boardwalk or nature trail on the Ragged Island Wildlife Management Area in Isle of Wight County.

VIRGINIA MARINE RESOURCES COMMISSION

NOTE: Effective July 1, 1984, the Marine Resources Commission was exempted from the Administrative Process Act for the purposes of promulgating regulations. The Regulations printed below are voluntarily published by the Marine Resources Commission for the public's benefit and for informational purposes only.

Title of Regulations: VR 450-01-8504. Closing of James River "Seed" Area.

Statutory Authority: § 28.1-85 of the Code of Virginia.

Effective Date: June 15, 1985.

PREAMBLE

The following Order of the Marine Resources Commission closes the James River "Seed" Area to the taking of oysters from all public oyster rocks, shoals, and grounds in the designated area.

VR 450-01-8504. Closing of James River "Seed" Area.

§ 1. Authority, Prior Regulations, and Effective Date:

A. This Order is promulgated pursuant to the authority contained in § 28.1-85 of the Code of Virginia.

B. This Order repeals Marine Resources Commission order number 84-6 which was promulgated and made effective June 16, 1984.

C. The effective date of this Order is June 15, 1985.

§ 2. Purpose: The purpose of this Order is to rescind prior Marine Resources Commission order number 84-6; thereby, closing all the James River "Seed" area to the taking of oysters from public oyster rocks, shoals and grounds in the designated area.

§ 3. Designated area: James River "Seed" Area - above a line drawn from Cooper's Creek in Isle of Wight County in the south side of the James River to the Newport News municipal water tank located on Warwick Boulevard between 59th and 60th streets in the city of Newport News, which shall be known as the "seed" line.

§ 4. Rescind order: Marine Resources Commission order number 84-6 is hereby rescinded.

§ 5. Expiration date: This Order shall terminate October 1, 1985.

/s/ William A. Pruitt, Commissioner
Date: June 4, 1985

Title of Regulations: General Permit VGP #1.

Statutory Authority: §§ 28.1-23 and 62.1-3 of the Code of Virginia.

Effective Date: May 28, 1985.

Summary:

This General Permit (VGP #1) is designed to simplify and streamline the regulatory process for all road construction projects in, on or over state-owned submerged land which are unopposed by any agency or individual after appropriate public review, and are approved by all state and federal agencies during formal monthly state/federal interagency project review processes.

General Permit VGP #1.

VMRC General Permit for projects which conform to certain criteria and are undertaken by the Virginia Department of Highways and Transportation (VDH&T) in, on or over state-owned subaqueous lands anywhere in the Commonwealth.

1. Authority-Effective Date:

a. This General Permit is promulgated pursuant to the authority contained in §§ 28.1-23 and 62.1-3 of the Code of Virginia.

b. The effective date of this General Permit is August 24, 1982, and reauthorized and amended on May 28, 1985.

2. Discussion:

a. The U.S. Army Corps of Engineers has granted a Nationwide General Permit for certain minor projects in waters of the United States.

b. [The] Norfolk District U. S. Army Corps of Engineers has granted a General Permit effective October 21, 1982, for VDH&T projects in the waters of the Commonwealth which meet certain rigid criteria (82-GP-14).

c. Projects which do not qualify under (a) and (b) above will be processed in accordance with

established joint state/federal regular permit procedures.

d. Formal monthly state/federal interagency coordination procedures have been established and practiced over the past several years at which each VDH&T project is subjected to rigorous review and routinely modified to satisfy agency concerns.

e. All VDH&T projects are routinely given wide public notice in conformance with established state/federal highway project requirements and public hearings are held by VDH&T on all significant proposals.

f. VDH&T is exempt by statute from all fees and royalties.

3. Authorization/Conditions:

All proposals by VDH&T to encroach in, on or over state-owned subaqueous land which qualify for a Nationwide Permit, paragraph 2(a), or a Norfolk District General Permit, paragraph 2(b), above, are hereby permitted subject to the following standard conditions:

a. Any proposed deviation from the preconditioned plan must be formally reconditioned and approved prior to undertaking the work.

b. Permittee shall notify the Commission when the project has been completed.

c. This permit grants no authority to the permittee to encroach upon the property rights, including riparian rights, of others.

d. The duly authorized agents of the Commission shall have the right to enter upon the premises at reasonable times, for the purpose of inspecting the work being done pursuant to this permit.

e. The permittee shall comply with the water quality standards as established by the State Water Control Board and all other applicable laws, ordinances, rules and regulations affecting the conduct of the project. The granting of this permit shall not relieve the permittee of the responsibility of obtaining any and all other permits or required authorization for the project.

f. This permit shall not affect or interfere with the right vouchsafed to the people of Virginia concerning fishing, fowling and the catching of and taking of oysters and other shellfish in and from the bottom of areas and waters not included within the terms of this permit.

g. The permittee shall, to the greatest extent practicable, minimize the adverse effects of the project upon adjacent properties and wetlands and upon the natural resources of the Commonwealth.

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h. This permit may be revoked at any time by the Commission upon the failure of the permittee to comply with any of the terms and conditions hereof or at the will of the General Assembly of Virginia.

i. This permit is subject to any lease of oyster planting ground in effect on the date of this permit. Nothing in this permit shall be construed as allowing the permittee to encroach on any lease without the consent of the leaseholder. The permittee shall be liable for any damages to such lease.

j. The issuance of this permit does not confer upon the permittee any interest or title to the beds of the waters.

k. Specifically prohibited is the sale by subcontractors, without Commission approval, of material removed from state-owned bottoms.

l. All structures authorized by this permit which are not maintained in good repair shall be completely removed from state-owned bottom within three months after notification by the Commission.

m. This permit authorizes no claim to archaeological artifacts which may be encountered during the course of construction. If, however, archaeological remains are encountered, the permittee agrees to notify the Commission, who will, in turn, notify the Virginia Historic Landmarks Commission. The permittee further agrees to cooperate with agencies of the Commonwealth in the recovery of archaeological remains if deemed necessary.

4. Procedures:

The Chief, Habitat Management Division, will administer this General Permit and establish procedures to assure:

a. That all projects authorized by this permit satisfy either the Nationwide Permit criteria established by Department of the Army Regulations or General Permit Criteria established by the Norfolk District U.S. Army Corps of Engineers in 82-GP-14.

b. Minimum cumulative impact on the marine environment.

c. Adequate opportunity for public review.

d. That a record is maintained on all projects authorized by this permit.

Such records will include:

(1) The name, address, and telephone number of the highway office who wishes to perform the work.

(2) The location of the project, including waterway,

county/city and route number of roadway.

(3) Detailed drawings of the project including a plan view and section view with the mean high and mean low water lines or the ordinary high water mark, whichever is appropriate.

(4) The amount of dredging and fill. If dredging is involved, the type of dredge, hydraulic or dragline, the location of disposal sites and the type of erosion and sediment controls if necessary.

(5) When projects involve the destruction of wetlands, the type of species involved, the amount to be disturbed, and any plan for compensation, or mitigation.

(6) A copy of the environmental assessment or Environmental Impact Statement prepared by the Virginia Department of Highways and Transportation.

e. If any objections are raised by either individuals or agencies which cannot be resolved at the monthly project coordination meeting, that project must then be processed for an individual permit to encroach in, on or over state-owned bottomlands.

f. Those projects located within a nontidal drainage basin of less than five square miles can be undertaken without the review process outlined in paragraph 2(d) above unless the project involves one or more of the following resources:

(1) A designated or proposed scenic river as determined by the Virginia Division of Parks and Recreation.

(2) A natural trout stream as designated by the Virginia Commission of Game and Inland Fisheries.

(3) A public water supply as determined by the State Health Department and/or the State Water Control Board.

(4) A habitat or critical area designated for endangered and/or threatened species as listed on the Commonwealth of Virginia's "Official List".

(5) [A unique Any] spawning area designated by the Virginia Institute of Marine Science and/or the Virginia Commission of Game and Inland Fisheries.

(6) A historical or archaeological site as determined by the Virginia Historic Landmarks Commission.

(7) A total area of open water, greater than one acre.

g. The Commission may conduct periodic inspections to evaluate compliance with applicable environmental management laws and regulations and sediment and erosion control practices specified by the Virginia

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Division of Soil and Water Conservation.

h. The results of any inspections conducted may be utilized by the Commission to assess the advisability of continuation of the provisions of the VGP #1. Such continuation may be on a highway district basis. The Commission will advise the VDH&T in writing if a highway district is not in compliance and may suspend this VGP #1 for that district until evidence of compliance satisfactory to the Commission is achieved.

i. Where emergency conditions exist in time of flood or other catastrophic event or a declared disaster by the Governor's Office, the VDH&T, after consultation with the Commission, will take whatever actions it deems appropriate to protect life and property of both private citizens and the transportation system of the Commonwealth. The emergency actions taken will be reported in writing by the VDH&T to the Commission within three months of the completion of such action.

/s/ William A. Pruitt, Commissioner
Date: June 4, 1985

Title of Regulations: General Permit VGP #2

Statutory Authority: §§ 28.1-23 and 62.1-3 of the Code of Virginia.

Effective Date: July 1, 1985.

Summary:

The General Permit (VGP #2) is designed to simplify and streamline the regulatory process for minor groin projects undertaken by riparian property owners. The Norfolk District U. S. Army Corps of Engineers has already issued a similar general permit and this action by VMRC will reduce to only one the permits needed to undertake a minor groin project to control shoreline erosion. In order to qualify for this General Permit (GP) a completed local/state/federal joint permit application must be filed. It must be processed and approved by the local wetlands board in accordance with the procedures contained in the Wetlands Act and the local wetlands ordinance. The Virginia Institute of Marine Science (VIMS) must have issued a written Environmental Assessment of the project, the approved groin must be treated timber material; may not exceed 60 feet in length, and artificial nourishment of the groin(s) by the placement of fill material on state-owned bottoms cannot be authorized by the local board.

If a proposed project does not meet this criteria, it will be processed for an individual VMRC permit in addition to the local wetlands board permit which is required by law.

General Permit VGP #2.

VMRC General Permit for groin projects designed to control shoreline erosion, which conform to certain criteria and are undertaken by riparian owners in, on or over state-owned subaqueous lands in waters of the Commonwealth.

1. Authority - Effective Date:

a. This General Permit is promulgated pursuant to the authority contained in §§ 28.1-23 and 62.1-3 of the Code of Virginia.

b. This General Permit conforms with current Commission policy in its establishment of general permits for projects which meet certain restrictive criteria.

c. This General Permit is consistent with the official opinion of the Attorney General issued on October 31, 1984, and attached hereto.

d. The effective date of this General Permit is July 1, 1985.

2. Discussion.

a. A principal objective of the permit streamlining efforts of this agency is the achievement of a single permit wherever possible for minor projects with minimal cumulative impacts.

b. The Norfolk District U. S. Army Corps of Engineers has approved a general permit for groin projects in Virginia waters which are authorized by a local wetlands board and/or VMRC (83 GP-19).

c. Local wetlands boards now process applications and issue permits for groins under the 1983 amendments to the Wetlands Act which placed the nonvegetated intertidal area of the "Tidewater Virginia" shoreline under their jurisdiction.

d. The Virginia Institute of Marine Science reviews all applications for groins in tidal waters and submits a written evaluation to local boards for their use in the decision process.

e. All local wetlands board decisions are made at public hearings which are public noticed in accordance with § 62.1-13.5 of the Code of Virginia.

f. The Commissioner reviews all decisions of local wetlands boards in compliance with § 62.1-13.10 of the Code of Virginia.

g. Any applicant, or 25 or more freeholders of property within the locality, aggrieved by a final decision of the local board, whether such decision is affirmative or negative in form, may appeal that decision to the Commission which will then review the local record in accordance with §§ 62.1-13.11,

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62.1-13.12, and 62.1-13.13 of the Code of Virginia.

h. The Commission has promulgated guidelines to assist local boards in determining the appropriateness and suitability of proposed groin structures.

3. Procedures:

The Chief, Habitat Management Division, will administer the General Permit and assure:

a. That the approved local/state/federal joint permit application form is completed and filed in accordance with the instructions contained therein.

b. That applications are processed in accordance with the procedures established in § 62.1-13.5 of the Wetlands Act and the local ordinance adopted thereunder.

c. That groin projects authorized by this permit achieve the policy and standards implicit in Title 62.1 of the Code of Virginia, reasonably accommodate guidelines promulgated by the Commission, and are consistent with the attached opinion of the Attorney General.

d. [That the local board permit: (i) authorizes only groins that are constructed of treated timber material, are of low profile design and do not exceed 60 feet in length, and (ii) does not authorize the artificial nourishment of groins by the placement of fill material on state-owned bottoms. That groins authorized by local boards meet the following criteria: (i) are of "low profile" design, (ii) do not extend more than 48 feet channelward of mean high water, (iii) if constructed of riprap or stone material do not exceed six feet in base width, and (iv) any spur associated with an approved groin must be properly designed and located.]

Projects which do not meet the criteria in items *a.* through *c.* above will be processed for an individual VMRC permit with appropriate fees and royalties.

4. Authorization/Conditions:

All proposals for groin structures to encroach in, on or over state-owned subaqueous land which meet the criteria in paragraph 3*a.* through 3*c.* above are hereby permitted subject to the following standard conditions.

1. This permit grants no authority to the permittee to encroach upon property rights, including riparian rights, of others.

2. The duly authorized agents of the Commission shall have the right to enter upon the premises at reasonable times, for the purposes of inspecting the work being done pursuant to this permit.

3. The permittee shall comply with the water quality standards as established by the State Water Control Board and all other applicable laws, ordinances, rules and regulations affecting the conduct of the project. The granting of this permit shall not relieve the permittee of the responsibility of obtaining any and all other permits or authority for the project.

4. This permit shall not affect or interfere with the right vouchsafed to the people of Virginia concerning fowling and the catching of and taking of oysters and other shellfish in and from the bottoms of areas and waters not included within the terms of this permit.

5. The permittee shall minimize, to the greatest extent practicable, the adverse effects of the project upon adjacent properties and wetlands and upon the natural resources of the Commonwealth.

6. This permit may be revoked at any time by the Commission upon the failure of the permittee to comply with any of the terms and conditions hereof or at the will of the General Assembly of Virginia.

7. There is expressly excluded from this permit any portion of the waters within the boundaries of the Baylor Survey. (Public Oyster Ground)

8. This permit is subject to any lease of oyster planting ground in effect on the date of this permit. Nothing in this permit shall be construed as allowing the permittee to encroach on any lease without the consent of the leaseholder. The permittee shall be liable for any damages to such lease.

9. The issuance of this permit does not confer upon the permittee any interest or title to the beds of the waters.

10. All structures authorized by this permit which are not maintained in good repair shall be completely removed from state-owned bottom within three months after notification by the Commission.

11. The permittee agrees to indemnify and save harmless the Commonwealth of Virginia from any liability arising from the establishment operation or maintenance of the project.

12. This permit authorizes no claim to archaeological artifacts which may be encountered during the course of construction. If, however, archaeological remains are encountered, the permittee agrees to notify the Commission, who will, in turn, notify the Virginia Historic Landmarks Commission. The permittee further agrees to cooperate with agencies of the Commonwealth in the recovery of archaeological remains if deemed necessary.

5. Evidence of Authorization:

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This General Permit should be retained by the permittee for the life of his project as evidence of authorization.

/s/ William A. Pruitt, Commissioner
June 4, 1985

Appendix 1

COMMONWEALTH OF VIRGINIA

Office of the Attorney General

October 31, 1984

The Honorable William A. Pruitt, Commissioner
Marine Resources Commission
P. O. Box 756
Newport News, Virginia 23607

My dear Mr. Pruitt:

You have requested my opinion regarding the authority of a local wetlands board to regulate the length of structures known as groins (structures built out from a shore to prevent erosion) and other similar structures constructed as part of a single project extending beyond the wetlands in both the intertidal zone and below mean low water.

The Wetlands Act, § 62.1-13.1 et seq. of the Code of Virginia, provides for local wetlands boards and gives them authority to regulate wetlands which are contiguous to and above mean low water, including the intertidal zone.

The lands below mean low water, unless previously conveyed away, are owned by the Commonwealth. See § 62.1-1. Section 62.1-3 allows certain uses of these lands and gives the Marine Resources Commission (the "Commission") authority to permit other uses. See 1981-1982 Report of the Attorney General at 242.

The Wetlands Act prohibits any use or development of wetlands without a wetlands permit issued by a wetlands board. See §§ 62.1-13.9 and 62.1-13.5(4)(a). A wetlands board must base its decision to issue or deny a permit on the impact the use or development will have on the public health and welfare as expressed by the Act's Policy of preserving wetlands. Sections 62.1-13.5(9) and 62.1-13.1. The Commission is empowered by § 62.1-13.13 to modify, remand or reverse the decision of the wetlands board. See 1982-1983 Report of the Attorney General at 761.

In granting or denying any permit for the use of state-owned bottom lands, the Commission must consider the effect of the project "upon the wetlands of the Commonwealth, except when its effect upon said wetlands has been or will be determined under the provisions of

Chapter 2.1 (§ 62.1-13.1 et seq.) [The Wetlands Act]...." § 62.1-3, paragraph 6.

By reading the wetlands boards' authority to carry out the Commonwealth's strong policy favoring wetlands preservation, together with the deference to Wetlands Act decisions contained in § 62.1-3, I conclude that a local wetlands board should consider the impact on wetlands from the total project, including that portion of the project resting on subaqueous lands beyond the wetland. Although not expressly authorized to do so by statute, regulation of the length of a structure is vital to exercising the authority to regulate the use of wetlands. Whether such consideration will require imposition of a limitation on the length or structures located below mean low water is a factual determination which must be made on a case-by-case basis. That decision is subject to review by the Commission. If the wetlands board does not consider the wetlands impact of the total project of such a subaqueous project on wetlands, when it determines whether or not to grant a permit to use subaqueous lands.

I am, therefore, of the opinion that a local wetlands board is authorized to regulate the length of a structure which is constructed through both the intertidal zone and channelward of mean low water, subject to superior jurisdiction of the Commission to modify or reverse the decision.

With kindest regards, I am

Sincerely,

/s/ Gerald L. Baliles
Attorney General

6:3/54-203

GOVERNOR

GOVERNOR'S COMMENTS ON PROPOSED REGULATIONS

(Required by § 9-6.14:9.1 of the Code of Virginia)

Agency: State Board of Accountancy

Title of Regulation: **Rules and Regulations of the State Board of Accountancy (VR 150-01-2).**

Comments:

I am withholding final comment on these regulations pending receipt and review of public comments that have been submitted on the proposed regulations pursuant to the Administrative Process Act as well as the State Board of Accountancy's review and response to those comments and questions forwarded by the Governor's Office to the Director of the Department of Commerce on the proposed regulations on November 14, 1984. In addition, it is recommended that the State Board of Accountancy consider the comments of the Department of Planning and Budget which resulted from their review of the proposed regulations.

/s/ Charles S. Robb
Date: May 24, 1985

Agency: Department of Education

Title of Regulation: **Regulations Governing the Approval of Correspondence Courses for Home Instruction (VR 270-01-0004).**

Comments:

No objections to the proposed regulations as presented.

/s/ Charles S. Robb
Date: June 4, 1985

Agency: Virginia State Library Board

Title of Regulation: **Standards for Plats (VR 440-01-137.6).**

Comments:

No objections to the proposed regulations as presented.

/s/ Charles S. Robb
Date: May 28, 1985

Agency: Virginia State Library Board

Title of Regulation: **Standards for Record Instruments (VR 440-01-137.7).**

Comments:

No objections to the proposed regulations as presented.

/s/ Charles S. Robb
Date: May 28, 1985

Agency: Department of Medical Assistance Services

Title of Regulation: **Appeals Process for Hospital Providers (VR 460-02-4.191).**

Comments:

The proposed regulations have been reviewed by the Office of the Attorney General and the Department of Planning and Budget who raised no objections to the proposed regulations as presented. The regulations are proposed in accordance with the final judgement order, Civil Action No. 83-0551-R, entered on January 4, 1985, by Judge Robert Merhige, United States District Court for the Eastern District of Virginia, which provides that an appeal process be administratively in place by August, 1985. In meeting this order, the Department has sought the input of those parties affected by the proposed regulations. I recommend that the Department and Board of Medical Assistance Services give careful consideration to additional comments received prior to and anticipate at the public hearing scheduled for June 14, 1985, as it moves to adopt final regulations in accordance with the order of the Court.

/s/ Charles S. Robb
Date: June 6, 1985

GENERAL NOTICES/ERRATA

Symbol Key †

† Indicates entries since last publication of the Virginia Register

NOTICES OF INTENDED REGULATORY ACTION

VIRGINIA DEPARTMENT FOR THE AGING

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Department of Aging intends to repeal regulations entitled: **Regulation Concerning Area Plans for Aging Services**. The regulation (i) sets forth methods for designating Planning and Service Areas and Area Agencies on Aging in Virginia, (ii) describes the process of allocating funds among the Planning and Service Areas, and (iii) provides guidance to the Area Agencies on Aging in the development and implementation of their Area Plans for Aging Services. The Virginia Department for the Aging intends to repeal this regulation because some sections are outdated and other sections duplicate provisions in the State Plan for Aging Services approved by the Governor.

Statutory Authority: § 2.1-373 of the Code of Virginia.

Written comments may be submitted until July 10, 1985.

CONTACT: Betty Reams, Assistant Commissioner, Virginia Department for the Aging, 101 N. 14th St., 18th Floor, Richmond, Va. 23219, telephone (804) 225-2271.

VIRGINIA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Department of Agriculture and Consumer Services intends to consider promulgating regulations entitled: **Rules and Regulations Pertaining To Food Protection In Retail Stores and Food Manufacturing Establishments**. The purpose of the proposed regulations is to formalize requirements for cooking, storage and display temperatures; for cleaning and sanitization of equipment, utensils and other food

contact surfaces; for employee hygiene, for design and fabrication of equipment, utensils and food contact surfaces and for plumbing, water supply and sewage in retail food stores and food manufacturing establishments. The proposed regulation will also prohibit the manufacture or preparation of potentially hazardous food products in domestic areas of private dwellings.

Statutory Authority: § 3.1-398 of the Code of Virginia.

Written comments may be submitted until July 1, 1985, to Raymond D. Vaughan, Secretary, Board of Agriculture and Consumer Services, P. O. Box 1163, Richmond, Virginia 23209.

CONTACT: Don O'Connell, Chief, Bureau of Food Inspection, Virginia Department of Agriculture and Consumer Services, Bureau of Dairy and Foods, P. O. Box 1163, Richmond, Va. 23209, telephone (804) 786-3533.

ALCOHOLIC BEVERAGE CONTROL COMMISSION

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Alcoholic Beverage Control Commission intends to promulgate and amend regulations **Concerning the Manufacture, Sale and Advertising of Alcoholic Beverages**. The purpose of the proposed regulations is (i) to provide clarification of various issues; (ii) to establish guidelines, and (iii) to deregulate in certain areas.

Notice to the Public

Pursuant to its Public Participation Guidelines contained in § 70 of its Regulations, the Commission intends to consider the amendment or adoption of regulations as set forth below.

The Commission will hold a public meeting to receive the comments or suggestions of the public on these subjects. The meeting will be in the First Floor Hearing Room at 2901 Hermitage Road, Richmond, Virginia at 10 a.m. on July 2, 1985.

1. Adopt a new regulation concerning farm wineries. - The proposed regulation will provide clarification concerning requirements for Virginia farm winery licenses by incorporating two recent circular letters concerning (i) the

amount of Virginia grapes use in production; (ii) by clarifying what "other agricultural products" are, and (iii) by allowing the additional retail outlet to be a temporary one.

2. Adoption of a new regulation concerning entertainment. - The proposed regulation will permit routine business entertainment by wholesale licensees of retail licensees and define such entertainment.

3. Adopt a new regulation concerning sales by wholesalers. - The proposed regulation will place restrictions on sales by wholesalers to consumers allegedly acting on behalf of retail licensees.

4. Amend § 12. - Wines; qualifying procedures; disqualifying factors, samples; exceptions. - The proposed amendment will eliminate the requirement that wine be analyzed by the Commission before sold in Virginia.

This amendment has been requested by the Virginia Wine Wholesalers Association.

5. Amend § 14. - Wines; purchase orders generally; wholesale wine distributors. - The proposed amendment will allow peddling of wine by Virginia farm wineries to retail wine licensees and to permit peddling of wine coolers by licensed wholesalers.

This amendment has been requested by Mr. Al Weed of La Abra Farm and Winery, Inc. and by the Virginia Beer Wholesalers Association for wine coolers only.

6. Amend § 34. - Rotation of stocks of retailers by wholesalers; permitted and prohibited acts. - The proposed amendment will allow the restocking of wine and beer by wholesalers at any time and the building of original displays of wine and beer by wholesalers.

This amendment has been requested by the Virginia Beer Wholesalers Association.

7. Amend § 35. - Replacements, refunds and adjustments; exceptions. - The proposed amendment will define defective merchandise as defective at the time of delivery and to allow the exchange of a like product by a wholesaler within 10 days of the manufacturer's expiration date.

The change regarding exchanging like product is requested by the Virginia Beer Wholesalers Association.

8. Amend § 38. - Records to be kept by licensees generally; additional requirements for certain retailers; "sale" and "sell" defined; gross receipts; reports. - The proposed amendment will clarify that licensees may commit the subject records to microfilm or other available technologies at any time.

This requested by the Virginia Beer Wholesalers Association.

9. Amend § 39. - Procedures for mixed beverage licensees generally; mixed beverage restaurant licensees; sales of spirits in closed containers; employment of minors; mixed beverages stamps. - The proposed amendment will permit hotels and motels to sell distilled spirits in miniature containers (50 ml).

10. Amend § 57. - Wholesale beer and beverage sales; discounts, price-fixing; price increases; price discrimination; retailers. - The proposed amendment clarifies that a brewery may not discriminate against a wholesaler regarding prices except where the difference in price is due to a bona fide difference in cost of sale or delivery.

This amendment has been requested by the Virginia Beer Wholesalers Association.

11. Amend § 58. - Inducements to retailers; tapping equipment; bottle or can openers; banquet licensees; cut case cards. - The proposed amendment will increase the limit on bottle or can openers which can be furnished by manufacturers or wholesalers to retailers from a total cumulative yearly amount of 50¢ to \$1.00 per opener with no limit on the number of openers.

This amendment has been requested by the Virginia Beer Wholesalers Association.

12. Amend § 60. - Advertising generally; cooperative advertising; federal laws; beverages and cider. - The proposed amendment will allow prominent living people to appear in alcoholic beverage advertisements.

This amendment requested by Mr. Lynn Luck, Lynn Luck Enterprises, Inc.

13. Amend §§ 62 and 63. - Advertising of Alcoholic Beverages. - The proposed amendments to the advertising regulations will allow the terms "spirits" and "liquor" to be used by licensed retailers in various forms of advertising.

14. Amend § 65. - Advertising; novelties and specialties. - The proposed amendment will increase the \$1.00 limit on novelty and specialty items which can be given away to \$2.00.

This amendment requested by the Virginia Beer Wholesalers Association.

15. Amend § 68. - Advertising; coupons. - The proposed amendment will allow wholesalers of wine and beer to put refund coupons on the bottle at the wholesale premises.

This amendment has been requested by Broudy-Kantor Company, Inc.

16. Amend § 69. - Advertising; sponsorship of public events; restrictions and conditions. - The proposed amendment will permit advertising in licensed retail establishments concerning responsible drinking; to make it

General Notices/Errata

clear that manufacturers of alcoholic beverages, not wholesalers, must pay for the sponsorship of permitted events and to allow point-of-sale advertising materials paid for by a charitable organization to be provided to wholesalers of alcoholic beverages by the producer of the advertising material.

The proposal regarding charitable advertising has been requested by the Virginia Beer Wholesalers Association.

Statutory Authority: §§ 4-11, 4-69, 4-69.2, 4-98.14, and 4-103 of the Code of Virginia.

The Commission requests that all persons interested in the above described subjects please submit comments in writing by July 2, 1985, to Larry G. Gilman, P. O. Box 27491, Richmond, Virginia 23261 or attend July 2, 1985.

CONTACT: Larry E. Gilman, Secretary to the Commission, P. O. Box 27491, Richmond, Va. 23261, telephone (804) 257-0616.

* * * * *

BOARD OF DENTISTRY

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Dentistry intends to promulgate regulations entitled: **Rules and Regulations Governing the Practice of Dentistry and Dental Hygiene**. Regulations in effect now will be repealed. The purpose of the proposed regulations is to regulate the practice of dentistry and dental hygiene.

Statutory Authority: § 54-163 of the Code of Virginia.

Written comments may be submitted until July 18, 1985.

CONTACT: Nancy T. Feldman, Executive Director, 517 W. Grace St., Richmond, Va. 23220, telephone (804) 786-0311.

* * * * *

DEPARTMENT OF HEALTH

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Health intends to consider amending regulations entitled: **State Board of Health Sewage Handling and Disposal Regulations**. The proposed amendments will establish a reasonable fee to be charged each applicant who appears before the State Sewage Handling and Disposal Appeals Review Board.

Statutory Authority: § 32.1-166.10 of the Code of Virginia.

Written comments may be submitted until July 1, 1985.

CONTACT: Peter M. Brooks, Bureau of Sewage and Water, James Madison Bldg., 109 Governor St., Room 502, Richmond, Va. 23219, telephone (804) 786-1931.

* * * * *

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Housing and Community Development intends to consider amending regulations entitled: **Uniform Statewide Building Code**. The proposed regulations will prohibit the use of 50/50 lead solder or lead-containing fluxes in plumbing that supplies drinking water in buildings, as proposed by the State Health Commissioner based on a study that showed a significant number of instances of lead levels exceeding the present standard. The State Health Commissioner's report is available for inspection at the address below.

Statutory Authority: § 36-98 of the Code of Virginia.

Written comments may be submitted until September 16, 1985.

CONTACT: C. S. Mullen, Deputy Director, Department of Housing and Community Development, 205 N. 4th St., 4th Floor, Richmond, Va. 23219, telephone (804) 786-4751

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Housing and Community Development intends to consider amending regulations entitled: **Urban Enterprise Zone Program Regulations**. The purpose of the proposed regulations is to bring the Urban Enterprise Zone Program Regulations in line with the 1985 amendments to the Code of Virginia.

Statutory Authority: § 59.1-278 of the Code of Virginia.

Written comments may be submitted until September 16, 1985, to Neal J. Barber, Acting Director, Department of Housing and Community Development, 205 N. 4th St., Richmond, Virginia 23219.

CONTACT: Stanley S. Kidwell, Jr., Associate Director, Virginia Department of Housing and Community Development, 205 N. 4th St., Richmond, Va. 23219, telephone (804) 786-4966.

* * * * *

DEPARTMENT OF SOCIAL SERVICES

Division of Benefit Programs

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Social Services, Division of Benefit Programs, intends to consider amending regulations entitled: **Disposition of Nonexempt Real Property in Excess of the \$600 Maximum Allowable Resource Limit in the Aid to Dependent Children (ADC) Program.** The purpose of the proposed regulation is to extend the current six-month period for disposing of excess real property for an additional three months, for a total of nine months, provided the family is making a good faith effort to sell the property. The proposed regulation is contained in § 2626 of the Federal Deficit Reduction Act of 1984 (P.L. 98-369).

Statutory Authority: § 63.1-25 of the Code of Virginia.

Written comments may be submitted until July 10, 1985, to Mr. I. Guy Lusk, Director, Division of Benefit Programs, Department of Social Services, 8007 Discovery Drive, Richmond, Virginia 23229-8699.

CONTACT: Carolyn Ellis, Supervisor, Economic Assistance Unit, Division of Benefit Programs, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9046.

* * * * *

GENERAL NOTICES

ERRATA

Agency: Department of Health

Title of Regulation: **Eligibility Standards and Charges for Medical Care Services (VR 355-39-01)**

Issue: 1:18 VA.R., page 1486, June 10, 1985

Virginia Regulation number VR 355-39-01 was omitted.


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General Notices/Errata

CERTIFICATE OF AUTHORIZATION

This is to certify that the Department of Agriculture and Consumer Services, acting through its Weights and Measures Laboratory, is authorized, in accordance with §§ 2.1-429 and 19.2-187 of the Code of Virginia (1950), as amended, to perform calibration tests upon tuning forks used in the calibration of radar units employed by law enforcement agencies within the Commonwealth for detection and apprehension of drivers exceeding the lawful posted speed limit. Pursuant to this authorization, the Department is authorized to issue, in a form and manner as it deems proper, a certificate of analysis for such calibration of tuning forks in accordance with the provisions of § 19.2-187 of the Code of Virginia.

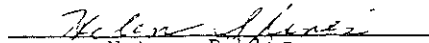
Given under my hand in the name of the Commonwealth of Virginia, Department of General Services, Division of Consolidated Laboratory Services, this 21st day of February, 1984.


A. W. Tiedemann, Jr., Director
Division of Consolidated
Laboratory Services

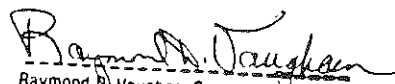
COMMONWEALTH OF VIRGINIA,
CITY OF RICHMOND, to-wit:

This is to certify that the foregoing Certificate of Authorization was acknowledged, subscribed and sworn to before me, a notary public, in and for the jurisdiction aforesaid, by A. W. Tiedemann, Jr., as Director of the Division of Consolidated Laboratory Services on the 21 day of February, 1984.

My commission expires: May 15, 1987


Notary Public

THIS IS A CERTIFIED FULL TRUE
AND CORRECTLY DATED COPY


Raymond B. Vaughan, Secretary
State Board of Agriculture
and Consumer Services

General Notices/Errata

STATE CORPORATION COMMISSION Bureau of Insurance

Administrative Letter 1985-11
Date: May 30, 1985

Administrative Letter 1985-10

Date: May 23, 1985

TO: All Companies Licensed to Write Liability Other Than Automobile Insurance in Virginia.

It has come to the attention of the Bureau of Insurance that some insurance companies may be attaching endorsements to policies which provide general liability coverage and by means of this endorsement are totally excluding all coverage for pollution liability, both for sudden and accidental as well as gradual pollution.

It is important that all companies be aware that the Bureau of Insurance has not approved any endorsement totally excluding sudden and accidental pollution liability and any company which attaches such an endorsement may subject themselves to action by the Bureau of Insurance for a violation of the Virginia Forms Filing Laws.

The Bureau of Insurance has permitted a pollution liability exclusion endorsement which is attached when the insured already has a separate pollution liability policy. Further, we have permitted exclusion of the cost of on-site cleanup which may be required by federal or state Superfund Laws. In addition, we have also approved a total pollution exclusion as long as the company has filed a buy-back endorsement which it is obligated to write at the option of the insured. In addition, we have permitted the buy-back endorsement to be (a) rated.

The Bureau is currently analyzing the ISO CGL policy which has been filed to be effective 1/1/86 and will probable approve the basic CGL policy with the total pollution liability exclusions contained therein. However, any endorsements which have been filed by the ISO or any other companies to existing policies which totally exclude pollution liability except as mentioned above, have been disapproved and will continue to be disapproved until approval of the new ISO CGL form.

You are cautioned to advise all of your branch offices and producers in Virginia that no such exclusion should be attached to either inforce policies or policies issued or renewed in Virginia.

Any questions concerning this matter should be addressed to P. A. Synnott, Jr., CPCU, CLU, Deputy Commissioner, Market Regulation.

/s/ James M. Thomson
Commissioner of Insurance

TO: All Companies Licensed to Transact Property and Casualty Insurance in Virginia

RE: "Refer to Company" Designations

The Bureau has become aware that many companies doing business in this State may be in violation of Section 38.1-279.34 of the Code of Virginia. The area of concern is the manuals where reference is made to "Refer to Company" for certain rates or factors.

Section 38.1-279.34 of the Code of Virginia requires that all rates and supplementary rate information be filed with the State Corporation Commission on or before the date they become effective. Company developed rates and factors must be filed unless exempted from the filing requirements by specific Administrative Order(s) of the Commission.

To comply with the law, each company and/or rate service organization should file a Virginia exception page(s) for each of their manual(s) which contain "Refer to Company" designations that either (1) delete the reference entirely, (2) indicate that "Refer to Company" does not mean that the rates or factors in question are exempted from the filing requirements, or (3) file rates for each "Refer to Company" designation contained in the manual(s). The only exceptions will be for those rates or factors which have been exempted by Administrative Order(s) of the Commission.

Please review your currently filed manuals to ensure compliance with the filing requirements of Section 38.1-279.34 and this Administrative Letter.

/s/ James M. Thomson
Insurance Commissioner

Administrative Letter 1985-12

Date: May 30, 1985

TO: All Companies Licensed to Transact Property and Casualty Insurance in Virginia

RE: Improper Rules/Rating Plans Which Exempt the Filing of Rates

Facultative Reinsurance Costs - Automobile Liability and General Liability

The Bureau has become aware that companies may be using certain improper rules or rating plans which exempt the filing of rates. Examples of these plans include but are not limited to the (a) rating of a risk which presents unique or unusual conditions of exposure or

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hazard such that the application of the filed classification and rating procedures does not produce a reasonable rate, the (a) rating of the premium charged to delete an exclusion, and the (a) rating of risks when the annual increased limits premium determined in accordance with the manual is a specific dollar amount or more. Examples of unacceptable plans are attached for your information. Such plans are in violation of Section 38.1-279.34 of the Code of Virginia, which requires the filing of all rates and supplementary rate information with the State Corporation Commission on or before the date they are to become effective. The only exemptions to the filing requirements outlined in Chapter 6.2 of Title 38.1 are those rates which the State Corporation Commission has exempted from filing by specific Administrative Order(s) or approved for (a) rating.

In addition, companies may be utilizing certain rating plans which provide for a charge for the cost of procuring facultative reinsurance. These rules are in compliance with Section 38.1-279.34 provided that the charge is a specific one. For example, the rule is not in compliance if it states that the premium is the facultative cost for the insurance increased by a charge up to but not exceeding a certain percentage, but would be in compliance if the facultative cost were increased by a stipulated percentage.

Any company that has on file and/or is currently utilizing these types of rules or rating plans should cease using them immediately and withdraw them from its filed manuals.

/s/ James M. Thomson
Commissioner of Insurance

RULES FOR RATING EXTENDED COVERAGE

The following rules are available in the states listed below, subject to the indicated conditions:

Automobile Liability
Boiler and Machinery
General Liability
Glass
Theft

All risks for which coverage is to be written which is broader than that provided for by manual definition of coverage as limited by applicable manual exclusions may have additional rates established, unless manual rates apply for such extended coverage. It is not necessary to file rates developed under this rule with Insurance Services Office for approval except as indicated below:

Alabama	Kansas (2) (6)	North Dakota
Alaska	Kentucky	Ohio
Arizona	Louisiana (3)	Oklahoma
Arkansas	Maine	Oregon
California	Maryland	Pennsylvania
Colorado	Massachusetts	Puerto Rico (6)
Connecticut	Michigan (6)	Rhode Island
Delaware	Minnesota	South Carolina
District of Columbia (1) (6)	Mississippi	South Dakota
Florida	Missouri	Tennessee
Georgia	Montana	Texas (3) (6) (7)
Hawaii (5)	Nebraska	Utah
Idaho	Nevada	Vermont
Indiana	New Hampshire	Virginia
Iowa	New Jersey	Washington
	New Mexico	West Virginia (6)
	New York (5)	Wisconsin
	North Carolina (4)	Wyoming

(1) Rates must be filed with state supervisory authorities.

(2) Filing and prior approval are required by state supervisory authorities for glass insurance only.

(3) Filing and prior approval are required by state supervisory authorities. In Louisiana, companies should file **DIRECTLY** with state supervisory authorities.

(4) Rates must be filed with state supervisory authorities for kinds of insurance other than General Liability.

(5) Rates must be filed **DIRECTLY BY COMPANY** with state supervisory authorities.

(6) Filings must be made by companies with Insurance Services Office for rates developed under this rule.

(7) Filing and prior approval are required by state supervisory authorities.

To simplify ratings and reduce handling operations, the following rule applies to these special rating procedures to the extent they are available in the various states:

Rating Procedures applicable to the headquarters location of the risk shall govern the rating of all operations regardless of location.

The rule is applicable in all states and territories listed below, subject to the conditions indicated:

Alabama (1)	Maine	Ohio
Alaska	Maryland	Oklahoma
Arizona	Massachusetts	Oregon
Arkansas	Michigan	Pennsylvania
Connecticut	Minnesota	Puerto Rico
Delaware	Mississippi	Rhode Island
District of Columbia	Missouri	South Carolina
Florida	Montana	South Dakota
Georgia	Nebraska	Tennessee
Hawaii	Nevada	Utah
Idaho	New Hampshire	Vermont
Illinois	New Jersey	Washington
Indiana	New Mexico	West Virginia
Iowa	North Carolina	Wisconsin (2)
Kansas (1)	North Dakota	Wyoming

(1) The standard rule applies with the provision that the state where risk headquarters are maintained has adopted the identical programs as the other states where exposure exists.

(2) The following is added to the rule applicable: "This rule applies only if such procedures are in effect in the state in which the risk headquarters are located."

NOTE: In effect (1) and (2) above spell out the intent of the rule as applicable in all states.

In those states where it is NOT necessary to file rates developed under this rule with Insurance Services Office, a record of each risk rated under this rule shall, upon request, be made available to ISO together with supporting factual data justifying the treatment afforded.

SPECIAL RULES FOR RATING UNIQUE OR UNUSUAL CONDITIONS

The Special Rules for Rating Unique or Unusual Conditions (see the following pages for text) are applicable in all states and territories within the scope of Insurance Services Office operations, subject to the conditions indicated below. It is not necessary to file rates developed under this rule with Insurance Services Office or Insurance Department for approval unless otherwise noted.

Alabama	Kansas (6)	North Dakota
Alaska	Kentucky	Ohio
Arizona	Louisiana (1) (5)	Oklahoma (7)
Arkansas	Maine	Oregon
California	Maryland	Pennsylvania
Colorado	Massachusetts	Puerto Rico (6)
Connecticut	Michigan (6)	Rhode Island
Delaware	Minnesota	South Carolina
District of Columbia (6)	Mississippi	South Dakota
Florida	Missouri	Tennessee
Georgia	Montana	Texas (3) (6)
Hawaii	Nebraska	Utah
Idaho	Nevada	Vermont
Illinois (6)	New Hampshire	Virginia (4)
Indiana	New Jersey	Washington
Iowa	New Mexico	West Virginia (6)
	New York (2) (5)	Wisconsin
	North Carolina (1)	Wyoming

(1) In Louisiana and North Carolina, the special rules are not applicable. However, risks of unique or unusual nature may be submitted as special filings, subject to approval before the rates may be effective.

(2) These rules shall not be used to limit coverage with coincident rate reduction unless submission includes statement that insured is fully aware of restriction in coverage and that restrictive endorsement will be forwarded to insured.

(3) A comparable special rule applicable to Boiler and Machinery, Theft, Glass, and General Liability insurance applies in Texas. Prior approval is required before the rates may become effective. The rule is printed in the General Liability Manual, Miscellaneous Supplement for Texas.

(4) The rule for Automobile Liability and rule B for General Liability do not apply in Virginia.

(5) Companies should file DIRECTLY with State Insurance Department for approval, for rates developed under this rule.

(6) Filings must be made with Insurance Services

Office for rates developed under this rule. For Illinois, Workers' Compensation Coverage only.

(7) These rules shall not be used to limit coverage with coincident rate reduction unless agreed to in writing and signed by the insured and insurance company.

Automobile Casualty Manual

Automobile Physical Damage Manual

If it can be clearly demonstrated that a risk presents unique or unusual conditions of exposure or hazard such that the application of normal classification and rating procedures does not produce a reasonable and equitable rate for the risk, such risk may be treated on a "Refer to Company" basis (a).

Requests for treatment under this rule, accompanied by full supporting factual data, shall be submitted to Insurance Services Office in those states where filings must still be made with ISO.

(a) The company shall determine a reasonable and equitable rate in accordance with the conditions of hazard or exposure of the risk, for submission to ISO. ISO shall furnish a record of each risk rated under this rule to the state supervisory authorities in accordance with their requirements together with full supporting factual data justifying the treatment afforded, in those states where filings must still be made with ISO.

Theft Insurance Manual

Glass Insurance Manual

Workmen's Compensation and Employers' Liability Insurance Manual

If it can be clearly demonstrated that a risk described by specific classifications, the rates for which are shown in this manual, presents unique or unusual conditions of exposure or hazard such that the application of the normal rating procedure does not produce a reasonable and equitable rate for the risk, such risk may be treated on an (a) rate basis.

Requests for treatment under this rule shall be accompanied by evidence specifically setting forth the reasons for the request and shall be accompanied by full supporting factual data.

Insurance Services Office shall furnish the state supervisory authorities with a record of each risk rated under this rule, together with supporting factual data justifying the treatment afforded in those states where filings must still be made with Insurance Services Office.

Boiler and Machinery Manual

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If it can be clearly demonstrated that a risk described by specific classifications in this manual presents unique or unusual conditions of exposure, hazard, or inspection and loss prevention service such that the application of the normal rating procedure does not produce a reasonable and equitable rate for the risk, such risk may be treated on an (a) rate basis.

Requests for treatment under this rule shall be accompanied by evidence specifically setting forth the reasons for the request and shall be accompanied by full supporting factual data.

Insurance Services Office shall furnish the state supervisory authorities with a record of each risk rated under this rule, together with supporting factual data justifying the treatment afforded, in those states where filings must still be made with Insurance Services Office.

In those states where it is NOT necessary to file rates developed under this rule with Insurance Services Office, a record of each risk rated under this rule shall, upon request, be made available to ISO together with supporting factual data justifying the treatment afforded.

Manuals of Liability Insurance

The following two rules are applicable to all forms of general liability insurance, the rules for which are included in the Manuals of Liability Insurance:

A. If it can be clearly demonstrated that a risk described by specific classifications, the rates for which are shown in these manuals, presents unique or unusual conditions of exposure or hazard such that the application of the normal rating procedure does not produce a reasonable and equitable rate for the risk, such risk may be treated on an (a) rate basis.

Requests for treatment under this rule shall be accompanied by evidence specifically setting forth the reasons for the request and shall be accompanied by full supporting factual data.

Insurance Services Office shall furnish the Insurance Department with a record of each risk rated under this rule, together with supporting factual data justifying the treatment afforded, in those states where filings must still be made with Insurance Services Office.

B. If for reasons beyond the control of the submitting company it is impractical or impossible to apply the regular underwriting basis to a risk, it shall be permissible to establish special underwriting basis for such risk as an (a) rate.

Insurance Services Office shall furnish the state supervisory authorities with a record of each risk rated under this rule, together with the reason for the treatment afforded in those states where filings must still be made with Insurance Services Office.

NOTE: Form ISO 3640 is to be used for all unique or unusual submissions.

To simplify ratings and reduce handling operations, the following rule applies to these special rating procedures to the extent they are available in the various states:

Rating Procedures applicable to the headquarters location of the risk shall govern the rating of all operations regardless of location.

The rule is applicable in all states and territories listed below, subject to the conditions indicated:

Alabama (1)	Maine	Ohio
Alaska	Maryland	Oklahoma
Arizona	Massachusetts	Oregon
Arkansas	Michigan	Pennsylvania
Connecticut	Minnesota	Puerto Rico
Delaware	Mississippi	Rhode Island
District of Columbia	Missouri	South Carolina
Florida	Montana	South Dakota
Georgia	Nebraska	Tennessee
Hawaii	Nevada	Utah
Idaho	New Hampshire	Vermont
Illinois	New Jersey	Washington
Indiana	New Mexico	West Virginia
Iowa	North Carolina	Wisconsin (2)
Kansas (1)	North Dakota	Wyoming

(1) The standard rule applies with the provision that the state where risk headquarters are maintained has adopted the identical programs as the other states where exposure exists.

(2) The following is added to the rule applicable: "This rule applies only if such procedures are in effect in the state in which the risk headquarters are located."

NOTE: In effect (1) and (2) above spell out the intent of the rule as applicable in all states.

SUPPLEMENTARY RULE APPLICABLE TO INCREASED LIMITS INSURANCE

The following rule, which is to be applied in accordance with the customary (a) rating procedures, is available for use with the Automobile Casualty Manual and the Manuals of Liability Insurance in the following states and territories, subject to the exceptions indicated. It is not necessary to file rates developed under this rule with Insurance Services Office or Insurance Department, for approval, unless otherwise noted.

If the annual increased limits written premium determined by customary rating procedures is \$2,500 or more, the risk may be referred to the company for determination of the charges for increased limits in excess of \$25,000/25,000 bodily injury* and \$25,000 property damage.

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*For medical professional liability manuals, \$25,000 per claim and \$75,000 aggregate. For General Liability, EXCLUDING PRODUCT LIABILITY, \$25,000 per occurrence and \$50,000 aggregate.

Alabama	Kentucky (3)	Ohio
Alaska	Maine	Oklahoma
Arizona	Maryland	Oregon
Arkansas	Massachusetts (4)	Pennsylvania (1) (8)
California	Michigan (1) (8)	Puerto Rico (8)
Colorado	Minnesota	Rhode Island
Connecticut	Mississippi	South Carolina (8)
Delaware	Missouri	South Dakota
District of Columbia	Montana	Tennessee
(1) (8)		
Florida	Nebraska	Texas (2) (4) (5) (8)
Georgia	Nevada	Utah
Hawaii	New Hampshire	Vermont
Idaho	New Jersey	Virginia (5)
Illinois	New Mexico	Washington
Indiana	New York (6)	West Virginia (8)
Iowa	North Carolina	Wisconsin
	(5) (7) (8)	
Kansas (8)	North Dakota	Wyoming

- (1) Each risk must be submitted to state supervisory authorities.
- (2) Subject to prior approval by state supervisory authorities.
- (3) Each risk must be submitted to the state supervisory authorities when the risk develops a rate in excess of manual. It is necessary to also furnish a letter signed by the insured, stating his reasons for seeking coverage at a higher rate.
 - (a) For Kentucky each submission must include the name of the producing agent, number of the Kentucky non-resident license, name of Kentucky agent counter-signing policy and the policy number.
- (4) General Liability insurance only.
- (5) The eligibility requirement is \$5,000 for Automobile Liability in Virginia and North Carolina, \$5,000 for General Liability in Texas and Virginia, and \$2,500 for General Liability in North Carolina.
- (6) Each risk must be submitted to the Insurance Department for approval and the submission must include a statement that the application of this rule does not operate to reduce the annual increased limits written premium below \$2,500. Also, the rule may be applied only to reduce the premium otherwise applicable to an individual risk and only to risks involving special underwriting conditions.
- (7) For Automobile Liability insurance, risks shall be referred directly to the North Carolina Automobile Rate Administrative Office.
- (8) Filings must be made with Insurance Services Office for rates developed under this rule.

In those states where it is NOT necessary to file rates developed under this rule with Insurance Services Office, a record of each risk rated under this rule shall, upon request, be made available to ISO together with supporting factual data justifying the treatment afforded.

To simplify ratings and reduce handling operations, the following rule applies to these special rating procedures to the extent they are available in the various states:

The rule is applicable in all states and territories listed below, subject to the conditions indicated:

Alabama (1)	Maine	Ohio
Alaska	Maryland	Oklahoma
Arizona	Massachusetts	Oregon
Arkansas	Michigan	Pennsylvania
Connecticut	Minnesota	Puerto Rico
Delaware	Mississippi	Rhode Island
District of Columbia	Missouri	South Carolina
Florida	Montana	South Dakota
Georgia	Nebraska	Tennessee
Hawaii	Nevada	Utah
Idaho	New Hampshire	Vermont
Illinois	New Jersey	Washington
Indiana	New Mexico	West Virginia
Iowa	North Carolina	Wisconsin (2)
Kansas (1)	North Dakota	Wyoming

(1) The standard rule applies with the provision that the state where risk headquarters are maintained has adopted the identical programs as the other states where exposure exists.

(2) The following is added to the rule applicable: "This rule applies only if such procedures are in effect in the state in which the risk headquarters are located."

NOTE: In effect (1) and (2) above spell out the intent of the rule as applicable in all states.

NOTICE TO STATE AGENCIES

Re: Forms for filing material on dates for publication in The Virginia Register of Regulations.

All agencies are required to use the appropriate forms when furnishing material and dates for publication in The Virginia Register of Regulations. The forms are supplied by the office of the Registrar of Regulations. If you do not have any forms or you need additional forms, please contact: Ann M. Brown, Assistant Registrar of Regulations, Virginia Code Commission, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591.

FORMS:

Proposed (Transmittal Sheet) RR01
Final (Transmittal Sheet) RR02

General Notices/Errata

Notice of Meeting RR03
Notice of Intended Regulatory Action RR04
Notice of Comment Period RR05
Agency Response to Legislative
or Gubernatorial Objections RR06

NOTICE TO STATE AGENCIES

A list of major meetings of various trade associations and organizations is maintained in the office of the Registrar of Regulations. Upon request, this list will be made available to you in order that you can avoid conflicts when setting up meetings and hearings.

NOTICE TO TRADE ASSOCIATIONS AND ORGANIZATIONS

The 1985-1986 listing of major meetings of certain organizations and associations is being updated. If you would like your organization's annual or semi-annual meeting listed, please advise the office of the Registrar of Regulations, Virginia Code Commission, P. O. Box 3-AG, Richmond, Virginia 23208, telephone (804) 786-3591.

CALENDAR OF EVENTS

Symbol Key †

† Indicates entries since last publication of the Virginia Register

NOTICE: Only those meetings which are filed with the Registrar of Regulations by the filing deadline noted at the beginning of this publication are listed. Since some meetings are called on short notice, please be aware that this listing of meetings may be incomplete. Also, all meetings are subject to cancellation and the Virginia Register deadline may preclude a notice of such cancellation.

For additional information on open meetings and public hearings held by the Standing Committees of the Legislature during the interim, please call Legislative Information at (804) 786-6530.

THE VIRGINIA CODE COMMISSION

EXECUTIVE

STATE BOARD OF ACCOUNTANCY

† **June 28, 1985 - 8:30 a.m.** – Open Meeting
Department of Commerce, Travelers Building, 3600 West Broad Street, Richmond, Virginia. (Location accessible to handicapped.)

The Board will conduct the following business:

1. Consideration of comments received at public hearings held on May 14, 15 and 16, 1985
2. Drafting of responses to comments and final statement of basis, purposes, impact and summary

Contact: Jennifer S. Wester, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8505 (toll-free number 1-800-552-3916)

VIRGINIA DEPARTMENT FOR THE AGING

† **July 15, 1985 - 10 a.m.** - Public Hearing
Pulaski County Administration Building, Board of Supervisors Meeting Room, Pulaski, Virginia. (Interpreter for deaf provided if requested.)
† **July 16, 1985 - 10 a.m.** – Public Hearing
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. (Location accessible to handicapped; interpreter for deaf provided if requested.)
† **July 16, 1985 - 6:30 p.m.** – Public Hearing

Municipal Center, City Council Chambers, Second Floor, Virginia Beach, Virginia. (Interpreter for deaf provided if requested.)

† **July 18, 1985 - 10 a.m.** – Public Hearing
Prince William County, Board of Supervisors Chambers, 9250 Lee Avenue (next to old court house), Manassas, Virginia. (Interpreter for deaf provided if requested.)

The Department for the Aging will conduct a series of public hearings to receive comments on the proposed State Plan for Aging Services for the two-year period beginning October 1, 1985. In its final form, the Plan will be submitted to the Federal Administration on Aging in application for Federal funds to support programs for the elderly in Virginia. Written comments or requests for a copy of the Plan will be accepted at the hearings. Written comments or requests for a copy of the Plan may also be sent to the Virginia Department for the Aging, 101 N. 14th Street, 18th Floor, Richmond, Virginia 23219.

Contact: Betty J. Reams, Assistant Commissioner, Virginia Department for the Aging, 101 N. 14th Street, 18th Floor, Richmond, Va. 23219, telephone (804) 225-2271

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

August 6, 1985 - 2 p.m. – Public Hearing
Board of Agriculture and Consumer Services, Washington Building, 1100 Bank Street, Board Room, Second Floor, Richmond, Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Agriculture and Consumer Services intends to amend the following regulations:

1. **Reporting Requirements for Contagious and Infectious Diseases of Livestock in Virginia. (VR 115-02-01)** *This regulation requires practicing veterinarians in Virginia to report the existence of certain livestock diseases to the State Veterinarian.*

STATEMENT

Subject and Substance: *The proposed regulation replaces AHD 1 (Prevention, Control and Eradication of Contagious and Infectious Diseases of Livestock in Virginia). No change is made in policy.*

Basis: *Communicable diseases of animals are a direct economic menace to the producer. Some of these diseases*

Calendar of Events

constitute a direct threat to human health. The prompt notification of the disease, species and numbers involved and location(s) affected are necessary for the prevention and control of disease.

Purpose: To require veterinarians practicing in Virginia to report to the State Veterinarian the existence of certain contagious or infectious diseases among livestock.

Impact: 1,722 practicing veterinarians are affected by this regulation.

Statutory Authority: § 3.1-726 of the Code of Virginia.

2. Rules and Regulations Governing the Prevention, Control and Eradication of Bovine Tuberculosis in Virginia. (VR 115-02-02) This regulation prescribes requirements and methods for the prevention, control and eradication of bovine tuberculosis in Virginia.

STATEMENT

Subject and Substance: The proposed regulation replaces AHD 2 (Prevention, Control and Eradication of Contagious and Infectious Diseases of Livestock in Virginia - Regulation 2). No change is made in policy.

Basis: Bovine tuberculosis is a highly infectious and debilitating disease and it is transmissible from infected animals to man; therefore, its prevention, control and eradication is of paramount interest to the cattle producer and to the general public. Virginia has maintained a bovine tuberculosis free status for more than 10 years, thereby permitting interstate and international trade of its cattle without restrictions due to this disease. This regulation is essential in continuing a bovine tuberculosis free status in Virginia.

Purpose: To prescribe the method of reporting and testing bovine tuberculosis, the means of identifying animals passing and reacting to the test, the handling and disposition of reactor animals and the disposition of tuberculosis infected herds.

Impact: 1,722 practicing veterinarians and 39,000 cattle owners are affected by this regulation.

Statutory Authority: §§ 3.1-724, 3.1-730 and 3.1-749 of the Code of Virginia.

3. Rules and Regulations Governing the Control and Eradication of Brucellosis of Cattle in Virginia. (VR 115-02-03) This regulation prescribes requirements and methods for preventing, controlling and eradicating bovine brucellosis in Virginia.

STATEMENT

Subject and Substance: This regulation replaces regulation AHD 3 (Prevention, Control and Eradication of Contagious and Infectious Diseases of Livestock in Virginia -

Regulation 3 (Brucellosis of Cattle)) and incorporates Limited General Quarantine Order No. 1981-1. No change is made in policy.

Basis: Brucellosis in cattle is a highly infectious disease and causes substantial economic losses for producers whose herds are affected. It is transmissible to man in whom its effects can be devastating. Accordingly, its prevention, control and eradication is of major interest to cattle breeders/producers and to the general public. Interstate and international trade in cattle from Virginia could be severely impacted if this disease were permitted to progress unchecked in the Commonwealth. The regulatory authority and actions expressed in this regulation are necessary if the cattle industry of Virginia is to continue to experience success with its animals in the market place.

Purpose: To prescribe the method of testing of bovine brucellosis, the means of identifying animals passing and reacting to the test, the handling and movement of tested cattle within the Commonwealth, the procedures for the vaccination of calves and adult cattle and the identification of same, the definition of brucellosis-free certified herds and the classification status of brucellosis in Virginia, and the method for depopulating brucellosis infected herds in the Commonwealth.

Impact: 1,722 practicing veterinarians and 39,000 cattle owners are affected by this regulation.

Statutory Authority: §§ 3.1-724, 3.1-725 and 3.1-749 of the Code of Virginia.

4. Rules and Regulations Governing the Operation of Livestock Markets. (VR 115-02-04) This regulation prescribes requirements for handling animals at livestock markets, acceptable standards of livestock markets, and procedures employed when inspecting markets to determine compliance.

STATEMENT

Subject and Substance: This regulation replaces regulation AHD 4 (Operation of Livestock Markets) and incorporates Livestock Market Brucellosis Testing Order No. 1981-2. No change is made in policy.

Basis: When animals are subjected to common collection points, such as livestock markets, the risk of pooling and interchanging infectious agents is enhanced considerably if these facilities are not maintained in acceptably clean and sanitary conditions. The requirements of this regulation must be enforced to minimize and control the spread of animal diseases among animals passing through the 38 livestock markets located in Virginia.

Purpose: To prescribe the regulatory procedures for handling animals passing through Virginia livestock markets and to establish sanitary standards for these facilities and methods for their enforcement.

Calendar of Events

Impact: Thirty-eight operators of livestock markets in Virginia are affected on a direct basis. Also affected are the numerous buyers and sellers who utilize these markets as places to exchange ownership of animals.

Statutory Authority: §§ 3.1-724, 3.1-730 and 3.1-757 of the Code of Virginia.

5. Health Requirements Governing the Control or Equine Infectious Anemia in Virginia. (VR 115-02-05)
This regulation prescribes testing for intrastate and interstate shipment of horses and prescribes disposition of test reactors.

STATEMENT

Subject and Substance: This regulation replaces regulations AHD 10 of the same title. No changes are made in policy.

Basis: Equine infectious anemia is a debilitating viral disease which can terminate in the death of the infected animal. Its ready transmission by biting insects or other blood-letting procedures permits its easy spread from infected to noninfected individuals. Regulatory control of horses in intrastate, interstate and international shipments and the identification and control of horses infected with this disease is highly desirable in preventing and controlling this disease in the equine population of Virginia.

Purpose: To specify Virginia's testing requirements for equine infectious anemia (EIA) for intrastate and interstate shipments of horses, and to define those regulatory actions to be taken for those animals which react positively to the official EIA test.

Impact: The provisions of this regulation directly affect 36,469 Virginia breeders and owners of horses.

Statutory Authority: §§ 3.1-724 through 3.1-730 of the Code of Virginia.

6. Requirements Governing the Branding of Cattle in Virginia. (VR 115-02-06) This regulation prescribes a program for branding of cattle by owners who voluntarily subscribe and register as participants under the program.

STATEMENT

Subject and Substance: This regulation replaces AHD 11 of the same title. No change is made in policy.

Basis: Positive life-time identification for legal ownership is highly desirable when property is easily lost, strayed or stolen as exemplified by farm or range cattle. Establishment of a workable and creditable identification system for this purpose on a statewide basis is possible only if permitted under the auspices of the government of the Commonwealth.

Purpose: To establish within state government a voluntary

cattle branding system which provides for the design, registration, application and administration of unique identifying brands to Virginia cattle owners who desire to be participants in this statewide identification system.

Impact: 39,000 cattle owners are eligible to participate in this branding system. Thirty-eight operators of livestock markets in Virginia are required to maintain a copy of the register of brands in their places of business.

Statutory Authority: § 3.1-796.36 of the Code of Virginia.

7. Control and Eradication of Pullorum Disease and Fowl Typhoid Flocks and Hatcheries and Products in Virginia. (VR 115-02-07) This regulation prescribes requirements for control and eradication of pullorum disease and fowl typhoid in poultry flocks and hatcheries in Virginia.

STATEMENT

Subject and Substance: This regulation replaces an unnumbered AHD regulation of the same title. No change is made in policy.

Basis: Pullorum disease and fowl typhoid have the proven capabilities to devastate any poultry industry. An in-place program to guard against and to take immediate steps to eradicate these diseases, when and if they appear in Virginia, is required to protect the interests of producers and consumers of poultry products in the Commonwealth.

Purpose: To require flocks of poultry in Virginia to be maintained in a U. S. Pullorum-Typhoid Clean status at all times thus qualifying products of these flocks for movement within and without the Commonwealth in conformance with established national and international standards.

Impact: This regulation affects 6,948 breeders and owners of poultry in Virginia.

Statutory Authority: §§ 3.1-724 and 3.1-730 of the Code of Virginia.

8. Rules and Regulations Governing the Qualifications for Humane Investigators. (VR 115-02-08) This regulation prescribes eligibility, training, examination and appointment for becoming a certified humane investigator in Virginia.

STATEMENT

Subject and Substance: This regulation replaces regulation AHD 13 (Qualifications for Humane Investigators). No change is made in policy.

Basis: Animals in Virginia recurrently are subjected to treatment or conditions that are, or are interpreted to be, inhumane. When investigations of inhumane treatment or conditions are made, they should be performed in an

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objective, efficient, effective and uniform manner. The features of a desirable investigation can be obtained only through training of investigators using uniform methods and guidelines to qualify them to perform this work.

Purpose: To prescribe the eligibility, training, examination and appointment requirements for individuals who desire to be certified as humane investigators in Virginia.

Impact: This regulation affects approximately 50 persons annually who desire to become humane investigators.

Statutory Authority: § 29-213.75 of the Code of Virginia.

9. Guidelines Pertaining to A Pound or Enclosure To Be Maintained By Each County or City. (VR 115-02-09) This regulation prescribes a uniform set of standards to follow for the construction and operation of pounds and enclosures in Virginia.

STATEMENT

Subject and Substance: This regulation replaces regulation ADH 15 of the same title. No change is made in policy.

Basis: Guidelines for the construction and operation of humanely suitable pounds and enclosures to confine stray animals are required to ensure the uniform humane treatment of these animals in Virginia.

Purpose: In addition to providing a uniform set of standards to follow, the regulation also outlines acceptable sanitary practices at these facilities, the euthanasia methods to be used and the proper disposal of dead animals from these establishments.

Impact: 135 counties and municipal governments in the Commonwealth are affected by this regulation.

Statutory Authority: § 29-213.66 of the Code of Virginia.

10. Rules and Regulations Governing the Recordkeeping By Virginia Cattle Dealers For the Control or Eradication of Brucellosis of Cattle. (VR 115-02-10) This regulation prescribes records to be kept by registered cattle dealers in Virginia which will assist in tracing diseased animals to their points of origin.

STATEMENT

Subject and Substance: This regulation replaces regulation AHD 16 (Recordkeeping by Virginia Cattle Dealers for the Control or Eradication of Brucellosis of Cattle). No change is made in policy.

Basis: Brucellosis in cattle is a highly infectious disease which causes substantial economic losses for producers whose herds are affected. It is transmissible to man in whom its effects can be devastating. Because livestock dealers operate on an intrastate and interstate basis, and because state and interstate highways readily facilitate the

movement of cattle by these dealers, it is imperative that controls of dealer actions through the requirement of mandatory records of purchases, sales and movement of cattle be established by state regulations. These records can provide vital information in the tracing of a diseased animal through dealers and markets to its point of origin. Once the latter is known, proper prevention, control and eradication actions for the disease can be initiated with greater possibility of success.

Purpose: To prescribe the records that are to be maintained by cattle dealers in Virginia when cattle are bought, sold or moved by them for breeding or replacement purposes.

Impact: 354 cattle dealers in Virginia are affected by this regulation.

Statutory Authority: §§ 3.1-724 and 3.1-730 of the Code of Virginia.

11. Rules and Regulations Governing Laboratory Fees For Services Rendered or Performed. (VR 115-02-11) This regulation provides certain laboratory diagnostic services to practicing veterinarians on a fee-for-services basis.

STATEMENT

Subject and Substance: This regulation replaces ADH 14 (Rules and Regulations Pertaining to Laboratory Fees for Services Rendered or Performed). No change is made in policy.

Basis: Current state statute provides diagnostic laboratory service for livestock and poultry only. Diagnostic laboratory services provided in state operative laboratories for companion animals, exotic birds, or animals other than livestock or poultry, are furnished as prescribed by the Board of Agriculture and Consumer Services.

Purpose: To make laboratory diagnostic disciplines for companion animals and birds and exotic animals and birds available to practicing veterinarians in Virginia on a fee-for-service basis.

Impact: 1,722 practicing veterinarians licensed by the Virginia Board of Veterinary Medicine are affected by this regulation.

Statutory Authority: § 3-1-725 of the Code of Virginia.

12. Health Requirements Governing the Admission of Livestock, Poultry, Companion Animals and Other Animals or Birds Into Virginia. (VR 115-02-12) This regulation prescribes qualifications and requirements that animals must meet upon admission into Virginia.

STATEMENT

Subject and Substance: This regulation replaces AHD 5

(Health Requirements Governing the Admission of Livestock Into Virginia) and incorporates the requirements for specified testing of stallions and mares being imported into the Commonwealth from countries where contagious equine metritis has occurred (Limited General Orders No. 1980-1 and 1981-3). This regulation also incorporates the requirements which prohibit the importation of hatching eggs and poultry into Virginia unless they originate from flocks that are designated as being free of *Mycoplasma Gallisepticum* (Limited Quarantine Order No. 1983-1).

Basis: Preventing and controlling communicable diseases within an animal population among other considerations is dependent upon the status of health of any new individual(s) introduced into that population. For this reason, it is necessary to establish and maintain a monitoring system that will provide a continual flow of information to regulatory authorities about the health status and origin of any animal(s) being brought into the Commonwealth.

Purpose: To prescribe the qualifications and requirements that animal(s) must meet upon admission to Virginia, and to prescribe a monitoring system of official certificates issued by other states or by foreign countries of origin which provide a description of the health status and the place of origin of any animal(s) brought into the Commonwealth.

Impact: This regulation affects all persons in Virginia who, for reasons other than that of slaughter, transport an animal(s) into the Commonwealth.

Statutory Authority: §§ 3.1-724 and 3.1-730 of the Code of Virginia.

Written comments on any of the above listed regulations may be submitted until July 5, 1985, to Raymond D. Vaughan, P. O. Box 1163, Richmond, Virginia 23219.

Contact: Dr. A. J. Roth, Veterinary Program Coordinator, Department of Agriculture and Consumer Services, Division of Animal Health, Washington Bldg., Suite 600, 1100 Bank St., Richmond, Va. 23219, telephone (804) 786-2483

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Agriculture and Consumer Services intends to repeal the following regulations:

1. LIMITED GENERAL QUARANTINE ORDER NO. 1981-3. This quarantine prescribes specified testing to qualify stallions and mares for quarantine release when originating from countries where contagious equine metritis has occurred.

Statutory Authority: § 3.1-734 of the Code of Virginia.

2. LIMITED GENERAL QUARANTINE ORDER NO.

1980-1. This quarantine prescribes specified testing to qualify stallions for quarantine release when originating from countries where contagious equine metritis has occurred.

Statutory Authority: §§ 3.1-726 and 3.1-734 of the Code of Virginia.

3. LIMITED QUARANTINE ORDER NO. 1983-1. This quarantine prohibits the importation into Virginia of hatching eggs and poultry from other than designated disease-free areas.

Statutory Authority: §§ 3.1-723 through 3.1-741 of the Code of Virginia.

(The provisions of the above three quarantines have been incorporated into proposed VR 115-02-12, Health Requirements Governing the Admission of Livestock, Poultry, Companion Animals and Other Animals and Birds in Virginia, which is anticipated to become effective October 15, 1985.)

4. LIMITED GENERAL QUARANTINE ORDER NO. 1981-1. This quarantine prescribes specified testing of adult breeding cattle for brucellosis upon change of ownership in Virginia. The provisions of this quarantine have been incorporated into proposed VR 115-02-03, Rules and Regulations Governing the Prevention, Control and Eradication of Brucellosis of Cattle in Virginia, which is anticipated to become effective on October 15, 1985.

Statutory Authority: §§ 3.1-726 and 3.1-727 of the Code of Virginia.

5. LIVESTOCK MARKET BRUCELLOSIS TESTING ORDER NO. 1981-2. This Order prescribes specified testing at livestock markets for brucellosis when breeding and replacement cattle are returned to the farm. The provisions of the Order have been incorporated into proposed VR 115-02-04, Rules and Regulations Governing the Operations of Livestock Markets, which is anticipated to become effective on October 15, 1985.

Statutory Authority: § 3.1-737 of the Code of Virginia.

6. AHD 7, ARTIFICIAL INSEMINATION. This regulation prescribes controls on health status of bull studs used for artificial insemination; also specifies qualifications of individuals certified as inseminators. This regulation is being repealed because the livestock industry has developed satisfactory standards that are in use and replace those contained in this regulation.

Statutory Authority: §§ 3.1-723 through 3.1-741.1 of the Code of Virginia.

Written comments on the repeal of the above listed regulations may be submitted until August 6, 1985, to Raymond D. Vaughan, P. O. Box 1163, Richmond, Virginia 23219.

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Contact: Dr. A. J. Roth, Veterinary Program Coordinator, Washington Bldg., 1100 Bank St., Suite 600, Richmond, Va. 23219, telephone (804) 786-2483

Services, Division of Dairy and Foods, P. O. Box 1163, Richmond, Va. 23209, telephone (804) 786-1452

August 7, 1985 - 10 a.m. - Public Hearing
Department of Agriculture and Consumer Services, Washington Building, 1100 Bank Street, Board Room 204, Richmond, Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Agriculture and Consumer Services intends to amend regulations entitled: Regulation III of the Rules and Regulations Governing the Production, Processing and Sale of Ice Cream, Frozen Desserts and Similar Products. (VR 115-05-03) This regulation governs the production, processing, labeling and distribution of ice cream and similar products within the Commonwealth.

STATEMENT

Basis: The Board of Agriculture and Consumer Services promulgates rules to govern the production, processing, labeling and distribution of ice cream and similar products within the Commonwealth.

The Board has been petitioned by two firms to amend Regulation III which would allow the sale of their products in the Commonwealth.

Purpose: There are two proposed amendments to the regulation. One will allow the use of dry whey, reduced minerals whey, whey protein concentrate and reduced lactose whey as ingredients in the formulation of powder or dry imitation frozen dessert mixes and require that these wheys used in the formation of these mixes shall have been pasteurized or subjected to any other method of process demonstrated to be equally efficient.

The second proposed amendment pertains to a standard of identity for lowfat parevine. The proposed standard is the same as the existing standard for parevine except that the fat content shall not be more than 6.0%.

Impact: The amendments will require no additional expenditure of funds for the Department. One amendment will allow powdered or dry imitation frozen dessert mixes containing whey ingredients either to be used by or compete with other products in the market place. The parevine amendment would enable the manufacture and sale of this product in Virginia.

Statutory Authority: § 3.1-562.1 of the Code of Virginia.

Written comments may be submitted until August 26, 1985.
Contact: William R. Crump, Jr., Chief, Bureau of Dairy Services, Department of Agriculture and Consumer

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Agriculture and Consumer Services intends to adopt regulations entitled: Rules and Regulations Pertaining to the Registration and Certification of Grape Nursery Stock. (VR 115-04-17) This regulation would establish a procedure to allow for virus testing and subsequent certification of grape nursery stock found free from virus on a voluntary basis.

STATEMENT

Purpose: The proposed rules and regulations would permit the Department of Agriculture and Consumer Services to plan, develop and implement a program to certify grape nursery stock, including vines, rooted cuttings, cuttings, grafts, or buds, as apparently virus free, and would provide for voluntary participation by applications.

Basis: The Virginia wine industry is expanding and, consistent with this expansion is the demand for quality grape nursery stock to establish vineyards. Viral diseases have been shown to be one of the most destructive pests or grapes, and once infected, there are no curative pesticides presently available. Costs to establish a vineyard are high and additional costs for replacement of virus-infected vines would economically retard the growth of the wine industry. The supply of certified virus-free grape plants is limited. In the eastern United States, only the state of New York has a certification program for grape nursery stock and they are unable to meet the demand for certified virus-free grape nursery stock in the East. It is essential to Virginia's growing industry to make quality virus-free vines available for vineyard establishment.

Statutory Authority: § 3.1-188.35 of the Code of Virginia.

Written comments may be submitted until August 5, 1985.
Contact: Raymond D. Vaughan, Secretary, State Board of Agriculture and Consumer Services, P. O. Box 1163, Richmond, Va. 23209, telephone (804) 786-3501

VIRGINIA AGRICULTURAL FOUNDATION

† **August 26, 1985 - 9 a.m. - Open Meeting**
Holiday Inn - Airport, 5203 Williamsburg Road, Sandston, Virginia

A regular business meeting.
Contact: Henry H. Budd, P. O. Box 1163, Richmond, Va. 23209, telephone (804) 786-3506

STATE AIR POLLUTION CONTROL BOARD

† **June 24, 1985 - 10 a.m.** – Open Meeting
State Air Pollution Control Board, Region VI, Pembroke IV, Suite 409, Virginia Beach, Virginia. (Interpreter for deaf provided if requested; 5 day notice required.)

The State Air Pollution Control Board will consider an application from Union Camp Corp. to construct and operate a 245 x 106 BTU/hr coal burning boiler to replace two existing oil burning boilers at the Union Camp paper mill in Isle of Wight County.

Contact: Director, Region VI, State Air Pollution Control Board, Pembroke IV, Suite 409, Virginia Beach, Va., telephone (804) 499-6845

† **June 24, 1985 - 2 p.m.** – Open Meeting
Ginter Park Branch Library, 1200 Westbrook Avenue, Richmond, Virginia. (Location accessible to handicapped.)

The State Air Pollution Control Board will consider an application from Westvaco Corporation - Virginia Folding Box Division - to install and operate 9 rotogravure printing presses at the Cofer Road Plant in Richmond, Virginia.

Contact: Director, Region V, State Air Pollution Control Board, 8205 Hermitage Rd., Richmond, Va. 23228, telephone (804) 264-3067

† **July 2, 1985 - 10 a.m.** – Open Meeting
Agricultural Center Building, Buckingham Courthouse, Virginia. (Location accessible to handicapped; interpreter for deaf provided if requested.)

The Board will meet to consider an application from Kyanite Mining Corporation to modify and operate a kiln, cooler and other equipment at the East Ridge Plant located in Buckingham County.

Contact: Tom Henderson, Region Director, State Air Pollution Control Board, 7701-03 Timberlake Rd., Lynchburg, Va. 24502, telephone (804) 528-6641

ALCOHOLIC BEVERAGE CONTROL COMMISSION

† **July 1, 1985 - 9:30 a.m.** – Open Meeting
† **July 16, 1985 - 9:30 a.m.** – Open Meeting
† **July 30, 1985 - 9:30 a.m.** – Open Meeting
† **August 13, 1985 - 9:30 a.m.** – Open Meeting
† **August 27, 1985 - 9:30 a.m.** – Open Meeting
† **September 10, 1985 - 9:30 a.m.** – Open Meeting
† **September 24, 1985 - 9:30 a.m.** – Open Meeting
2901 Hermitage Road, Richmond, Virginia. (Location accessible to handicapped.)

The Commission will meet to receive and discuss reports on activities from staff members. They will consider other matters not yet determined.

Contact: Larry E. Gilman, 2901 Hermitage Rd., Richmond, Va. 23220, telephone (804) 257-0616

STATE BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS AND CERTIFIED LANDSCAPE ARCHITECTS

† **June 27, 1985 - 10 a.m.** – Open Meeting
Department of Commerce, Travelers Building, 3600 West Broad Street, Conference Room 1, Richmond, Virginia. (Location accessible to handicapped.)

The Board will meet to conduct an informal fact-finding proceeding regarding R. Wayne Johnson, Sr., Land Surveyor; Tabb, Virginia.

† **July 3, 1985 - 10 a.m.** – Open Meeting
Department of Commerce, Travelers Building, 3600 West Broad Street, Conference Room 1, Richmond, Virginia. (Location accessible to handicapped.)

The Board will meet to conduct an informal fact-finding procedure regarding William D. West, Licensed Professional Engineer; Ashland, Virginia.

† **July 18, 1985 - 10 a.m.** – Open Meeting
Department of Commerce, Travelers Building, 3600 West Broad Street, Richmond, Virginia. (Location accessible to handicapped.)

The Board will meet to conduct an informal fact-finding proceeding regarding Larry G. Rakes, Land Surveyor; Stuart, Virginia.

Contact: Sylvia W. Bryant, Hearings Coordinator, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8524

July 10, 1985 - 9 a.m. – Public Hearing
Department of Commerce, Travelers Building, 3600 West Broad Street, Room 395, 3rd Floor, Richmond, Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Architects, Professional Engineers, Land Surveyors and Certified Landscape Architects intends to adopt regulations entitled: Rules and Regulations of the State Board of Architects, Professional Engineers, Land Surveyors and Certified Landscape Architects. These regulations govern the practice of architecture, engineering, land surveying, and landscape architecture. It includes entry requirements, standards of practice and provisions for revocation and reinstatement of licenses. Current regulations will be repealed.

STATEMENT

Basis, Purpose, Impact and Summary: Pursuant to Chapter 1.1 and 3 of Title 54; and Chapter 7 of Title 13.1, of the Code of Virginia, and in accordance with §§ 9-6.14:1 - 9-6.14:25 of the Code of Virginia, the State Board of Architects, Professional Engineers, Land Surveyors, and Certified Landscape Architects proposes to amend, add to,

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delete, and reorganize existing regulations governing the practices of architecture, professional engineering, land surveying, and landscape architecture.

Regulations governing the practice of these professions apply to approximately 16,190 licensees, 340 professional corporations, and 2,681 business entities offering architecture, engineering, land surveying, and landscape architecture services. Also affected will be approximately 2,900 persons applying for licensure in these professions per year and approximately 2,300 persons annually scheduled for the examinations for architects, engineers, land surveyors, and landscape architects.

The cost of administration of the proposed regulations is estimated at \$260,400.00 for the 1984-1986 biennium. Funds for implementation will come from part of the special dedicated revenue appropriated to the Department of Commerce. Fees from applicant and licensees make up this revenue. No changes in the current fees are considered necessary to generate sufficient funds for administering the proposed regulations.

The Board proposes to repeal current regulations, and adopt new regulations consistent with the Governor's Regulatory Review Program to ensure that they represent the least burdensome alternative to meet clearly established and justified regulatory needs.

For the purpose of clarity, these proposed regulations were grouped into six major parts or categories: General, Qualifications for Licensing of Architects, Qualifications for Licensing as a Professional Engineer, Qualifications for Licensing as a Land Surveyor, Qualifications for Certification of Landscape Architects, and Professional Corporations and Business Entities.

Part I, General, specifies who must obtain a license/certificate; expiration, renewal and fees; reinstatement; grounds for suspension, denial of renewal or revocation of a license/certificate; conflicts of interest; solicitation of work and improper conduct; and use of the license/certificate holder's seal.

Part II, Qualifications for Licensing of Architects establishes fees, education and experience requirements to become eligible for the Architect Registration Examination (ARE) and licensing and reciprocity requirements.

Part III, Qualifications for Licensing as a Professional Engineer sets the fee structure and sets education and experience requirements for licensing and eligibility for examinations.

Part IV, Qualifications for Licensing as a Land Surveyor, sets the fees, and establishes experience requirements or the combination of education and experience necessary for licensing and examination. Also, minimum standards and procedures for land boundary surveying practice are established.

Part V, Qualifications for Certification of Landscape Architects, sets fees and establishes experience requirements or the combination of education and experience necessary to become eligible for the written examination and licensing.

Part VI, Professional Corporations and Business Entities, set the information and documents necessary to acquire a certificate of authority as a professional corporation, provides definitions and lists fees, and sets the information required to become registered as a business entity.

A summary of the major changes and their estimated impact is as follows:

1. Part II of the proposed regulations include incorporation of regulation § 2.5 J which formalizes the existing practice of holding a review session between board members and candidates failing Division B and C of the Architect Registration Examination. The table of equivalents regarding education and experience was modified. Proposed regulation § 2.6 would allow the Board to accept a currently valid license in good standing from the applicant's current base state if he transferred his licensure from the jurisdiction of original licensure.

2. Part III of the proposed regulations includes regulation § 3.9 which broadened the type of experience the Board would accept, thus enabling more persons to qualify faster for the examination.

Regulation § 3.6 differs from the old 5.9 regulation as no certificates will be issued and no experience is required after passing the Fundamentals of Engineering Exam. Upon passing the exam, the Engineering Intern Status will be achieved.

3. Part IV of the proposed regulations, through regulations § 4.4, allows full credit to be given to an applicant who has passed the NCEE examination in another jurisdiction. Such an applicant should find it easier to become licensed in Virginia.

Regulation § 4.10 clarifies the method for grading. It indicates the grade required for the Part II 3(a) NCEE portion of the exams. This exam is currently used by the Board in lieu of the exam which was previously written by Board members.

Regulation § 4.14 B. addresses the problem of subdivision surveys lacking corner monuments. The Board has received several inquiries and complaints regarding this issue. The proposed regulation would require corner monuments identified by witness stakes to be set on such subdivision lots or parcels.

4. Part V of the proposed regulations was revised and unnecessary regulations deleted.

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Statutory Authority: Chapters 1.1 and 3 of Title 54 and Chapter 7 of Title 13.1 of the Code of Virginia.

Written comments may be submitted until July 10, 1985.

Contact: Johnsie Williams, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230-4917, telephone (804) 257-8555 (toll-free number 1-800-552-3016)

VIRGINIA ATHLETIC COMMISSION

June 26, 1985 - 9 a.m. - Open Meeting
Department of Commerce, Travelers Building, 3600 West Broad Street, Board Room 2, Richmond, Virginia. (Location accessible to handicapped.)

A Virginia Athletic Commission meeting.

Contact: Doug Beavers, Assistant Director, 3600 W. Broad St., Room 514, Richmond, Va. 23230, telephone (804) 257-8507

BOARD OF BARBER EXAMINERS

June 24, 1985 - 9 a.m. - Open Meeting
Department of Commerce, Travelers Building, 3600 West Broad Street, Conference Room 3, 5th Floor, Richmond, Virginia. (Location accessible to handicapped.)

The Board will meet to (i) review applications for reinstatement of licenses; (ii) review investigative reports of complaints and determine disposition; and (iii) consider general correspondence pertinent to the operation of the Board.

Contact: Gale G. Moyer, Assistant Director, Virginia Board of Barber Examiners, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8509

STATE BUILDING CODE TECHNICAL REVIEW BOARD

† **June 28, 1985 - 10 a.m. - Open Meeting**
Fourth Street State Office Building, 205 North 4th Street, 2nd Floor Conference Room, Richmond, Virginia. (Location accessible to handicapped; interpreter for deaf provided if requested.)

A meeting to (i) consider requests for interpretation of the Virginia Uniform Statewide Building Code; (ii) to consider appeals from the rulings of local appeal boards regarding application of the Virginia Uniform Statewide Building Code, and (iii) to approve minutes of previous meeting.

Contact: C. Sutton Mullen, 205 North 4th St., Richmond, Va. 23219, telephone (804) 786-4751

GOVERNOR'S COMMISSION ON CHILD SUPPORT

July 9, 1985 - 3 p.m. - Public Hearing (1st Session)
July 9, 1985 - 7 p.m. - Public Hearing (2nd Session)
Virginia Polytechnic Institute, Donaldson Brown Center, Blacksburg, Virginia. (Location accessible to handicapped; interpreter for deaf provided if requested.)

July 18, 1985 - 4 p.m. - Public Hearing (1st Session)
July 18, 1985 - 7 p.m. - Public Hearing (2nd Session)
City Hall, City Council Chambers, Norfolk, Virginia. (Location accessible to handicapped; interpreter for deaf provided if requested.)

July 22, 1985 - 3 p.m. - Public Hearing (1st Session)
July 22, 1985 - 7 p.m. - Public Hearing (2nd Session)
George Mason University, Student Union II, Fairfax, Virginia. (Location accessible to handicapped; interpreter for deaf provided if requested.)

July 30, 1985 - 3 p.m. - Public Hearing (1st Session)
July 30, 1985 - 7 p.m. - Public Hearing (2nd Session)
General Assembly Building, Capitol Square, House Room D, Richmond, Virginia. (Location accessible to handicapped; interpreter for deaf provided if requested.)

These public hearings will provide the general public with an opportunity to voice their concerns and recommendations regarding Child Support. Some of the areas of concern are:

- Custody and Visitation,
- Enforcement Modification and Abatement,
- Interstate/ URESA,
- Paternity,
- Support Standards.

August 14, 1985 - 9 a.m. - Open Meeting
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. (Location accessible to handicapped; interpreter for deaf provided if requested.)

A regular Commission meeting.

The subcommittees will convene at 9 a.m. and 11 a.m. on the 4th, 5th, and 7th floors of the General Assembly Building after initially meeting in House Room C for brief instructions.

At 1 p.m. the full Commission will reconvene in House Room C for a full Commission meeting.

The nature of business is to review the information obtained at the public hearings and to finalize the recommendations to be included in the report for the Governor.

Contact: Linda Hence, Staff Assistant to the Commission, Division of Support Enforcement, 8004 Franklin Farms Dr., Lee Bldg., Suite 201, Richmond, Va. 23229-8699, telephone (804) 281-9632

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INTERDEPARTMENTAL COMMITTEE ON RATE SETTING FOR CHILDREN'S FACILITIES

June 25, 1985 - 10 a.m. - Open Meeting
Koger Executive Center, Blair Building, Conference Rooms A and B, Richmond, Virginia. (Location accessible to handicapped; interpreter for deaf provided if requested.)

The Committee will consider and receive the feedback from the State Boards of Corrections, Education and Social Services on the Committee's rules and regulations as related to § 2.1-703 of the Code of Virginia.

Contact: Thomas W. Riddick, 307 Worthington Sq., Portsmouth, Va. 23704, telephone (804) 393-0061

VIRGINIA BOARD OF COMMERCE

† **June 27, 1985 - 9 a.m. - Open Meeting**
Department of Commerce, Travelers Building, 3600 West Broad Street, Conference Room 3, 5th Floor, Richmond, Virginia. (Location accessible to handicapped.)

A subcommittee meeting on the regulation of power engineers to approve draft report.

Contact: Thomas A. Dick, Policy Analyst, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8564

† **June 27, 1985 - 10 a.m. - Open Meeting**
Department of Commerce, Travelers Building, 3600 West Broad Street, Conference Room 3, 5th Floor, Richmond, Virginia. (Location accessible to handicapped.)

A meeting of the Board to (i) adopt a subcommittee report on the regulation of power engineers; (ii) adopt a position statement on continuing education; (iii) receive status reports on the regulation of flea market operators, complaint handling procedures, and testing.

Contact: Barbara L. Woodson, Information Officer, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8518

STATE BOARD FOR CONTRACTORS

† **July 2, 1985 - 10 a.m. - Open Meeting**
Department of Commerce, Travelers Building, 3600 West Broad Street, Conference Room 1, Richmond, Virginia. (Location accessible to handicapped.)

The Board will meet to conduct a formal fact-finding hearing regarding State Board for Contractors v. Robert L. West, T/A Robert K. West, General Contractor, Chesterfield, Virginia.

† **July 10, 1985 - 10 a.m. - Open Meeting**
City of Hall Building, 2400 Washington Avenue, Council

Chambers, Newport News, Virginia

The Board will meet to conduct a formal administrative fact-finding hearing regarding State Board for Contractors v. Charles W. Allen, T/A C. W. Allen, Home Improvement, Newport News, Virginia.

Contact: Sylvia W. Bryant, Hearings Coordinator, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8524 ★

July 17, 1985 - 10 a.m. - Public Hearing
Department of Commerce, Travelers Building, 3600 West Broad Street, Room 395, Richmond, Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board for Contractors intends to amend regulations entitled: Rules and Regulations adopted April 11, 1984. (§ 1.4 Class A fee and § 1.5 Class B fee) The proposed amendments will set the amount of fee for an initial Class A Contractor license and for an initial Class B Contractor license and recodify regulations to conform to new form and style procedures for regulations. The proposed amendments will raise initial license fees to cover a projected revenue shortfall in the 1984-1986 biennium.

STATEMENT

Preliminary Statement of Basis, Purpose, Impact and Summary: Pursuant to §§ 54-1.28 and 54-119 of the Code of Virginia, and in accordance with §§ 9-6.14:1 et seq. and 54-1.17, the State Board for Contractors proposes to amend its existing regulations.

Regulations of the State Board for Contractors apply directly to approximately 30,000 actively licensed contractors. There are approximately 6,450 new applicants for licensure per year, of which approximately 1,450 are applicants for a Class A license and approximately 5,000 are applicants for a Class B license.

The proposed amendments will raise the initial license fee for Class A Contractors from \$60 to \$100 and raise the initial Class B license fee from \$20 to \$100 for the purpose of increasing revenue to cover the costs of the Department of Commerce in administering the regulation of contractors in Virginia. Amendments will also recodify existing regulations to conform to new form and style requirements for regulations.

Estimated impact:

A. Regulation § 1.4 sets forth the initial license fee for Class A Contractors. The amendment provides a \$40 increase in the initial license fee and will impact upon approximately 1,450 applicants for this type of license per year;

B. Regulation § 1.5 sets forth the initial license fee for

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Class B Contractors. The amendment provides a \$80 increase in the initial license fee and will impact upon approximately 5,000 applicants for this type of license per year; and

C. All other amendments are only a recodification of existing regulations to conform to new form and style requirements for regulations. There appears to be no discernable impact involved in this recodification.

Statutory Authority: §§ 54-128 and 54-119 of the Code of Virginia.

Written comments may be submitted until July 17, 1985.

Contact: E. G. Andres, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8511 (toll-free 1-800-552-3016)

BOARD OF CORRECTIONS

July 10, 1985 - 10 a.m. - Open Meeting

August 14, 1985 - 10 a.m. - Open Meeting

4615 West Broad Street, Richmond, Virginia. (Location accessible to handicapped.)

A regular monthly meeting to consider such matters as may be presented to the Board of Corrections.

Contact: Vivian Toler, Secretary to the Board, 4615 W. Broad St., P. O. Box 26963, Richmond, Va. 23261, telephone (804) 257-6274

VIRGINIA BOARD OF DENTISTRY

† **July 25, 1985 - 1 p.m. - Open Meeting**

† **July 26, 1985 - 8 a.m. - Open Meeting**

† **July 27, 1985 - 8 a.m. - Open Meeting**

Radisson Hotel, 235 West Main Street, Charlottesville, Virginia

The Virginia Board of Dentistry will hold a meeting to consider the proposed regulations approved on December 8, 1984.

Contact: Nancy T. Feldman, Executive Director, 517 W. Grace St., Box 27708, Richmond, Va. 23261, telephone (804) 786-0311

FALLS OF THE JAMES ADVISORY COMMITTEE

† **June 28, 1985 - 12 noon - Open Meeting**

Richmond City Hall, 3rd Floor Conference Room, Richmond, Virginia. (Location accessible to handicapped.)

A regular meeting to discuss general business and issues affecting the portion of the James River that runs through the City of Richmond.

Contact: Richard G. Gibbons, Division of Parks and

Recreation, 1201 Washington Bldg., Capitol Sq., Richmond, Va., telephone (804) 225-3004

VIRGINIA BOARD OF FUNERAL DIRECTORS AND EMBALMERS

† **June 24-26, 1985 - Open Meeting**

Pavilion Tower, 1900 Pavilion Drive, Virginia Beach, Virginia. (Location accessible to handicapped.)

Annual convention of the Virginia Funeral Directors Association. Included within the convention, the Virginia Board of Funeral Directors and Embalmers will present an annual address to the Association, participate in general open session, maintain an exhibition booth for informational purposes on behalf of the Commonwealth.

† **June 27, 1985 - Open Meeting**

Cavalier on the Hill, 42nd Street, Virginia Beach, Virginia. (Location accessible to handicapped.)

Annual convention of the Virginia Morticians Association. Included within the convention the Virginia Board of Funeral Directors and Embalmers will present an annual address to the association, participate in general open session, maintain an exhibition booth for informational purposes on behalf of the Commonwealth. There will be a brief Board meeting in the Hospitality Room at 12 noon.

† **July 16, 1985 - 10 a.m. - Open Meeting**

Virginia Department of Health Regulatory Boards, 517 West Grace Street, Main Board Room, Richmond, Virginia. (Location accessible to handicapped.)

A general Board meeting.

Contact: Mark L. Forberg, Executive Secretary, P. O. Box 27708, 517 W. Grace St., Richmond, Va. 23261, telephone (804) 786-0076

DEPARTMENT OF GENERAL SERVICES

Art and Architectural Review Board

August 2, 1985 - 10 a.m. - Open Meeting

Virginia Museum of Fine Arts, Boulevard and Grove Avenue, Main Conference Room, Richmond, Virginia. (Location accessible to handicapped.)

The Council will advise the Director of the Department of General Services and the Governor on architecture of state facilities to be constructed and works of art to be accepted or acquired by the Commonwealth.

Contact: Dorothy D. Ivankoe, Department of General

Calendar of Events

Services, 209 Ninth Street Office Bldg., Richmond, Va. 23219, telephone (804) 786-3311

Art and Architectural Review Council

July 12, 1985 - 10 a.m. - Open Meeting

Virginia Museum of Fine Arts, Boulevard and Grove Avenue, Main Conference Room, Richmond, Virginia. (Location accessible to handicapped.)

The Council will advise the Director of the Department of General Services and the Governor on architecture of state facilities to be constructed and works of art to be accepted or acquired by the Commonwealth.

Contact: Dorothy E. Ivankoe, Department of General Services, 209 Ninth Street Office Bldg., Richmond, Va. 23219, telephone (804) 786-3311

GOVERNOR'S EMPLOYMENT AND TRAINING DIVISION

July 29, 1985 - 10 a.m. - Public Hearing

Governor's Employment and Training Division, 417 East Grace Street, 3rd Floor Conference Room, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Governor's Employment and Training Division intends to amend regulations entitled: Management Requirements for Job Training Partnership Act Programs and Activities. These regulations will be used by local Service Delivery Areas to plan, administer and operate job training programs.

STATEMENT

Basis: This regulation is issued under the authority of § 2.1-708 (3) of the Code of Virginia

Subject: This regulation sets forth standards for administering and operating Job Training Partnership Act activities.

Substance: This revision restructures the regulations and clarifies the language of certain sections. Areas covered by the regulations include responsibilities for: Equal Employment Opportunity/Affirmative Action; grievance; fraud and abuse; participant eligibility and contract management.

Issues: The intent of this revision has been to (i) restructure the regulations pursuant to the changes in the Administrative Process Act, (ii) clarify sections which on-going evaluation has revealed to be confusing or insufficient and (iii) simplify language throughout.

Purpose: The purpose of this regulation is to (i) provide

direction as required of the state in the Job Training Partnership Act and (ii) establish uniform criteria for administering and operating programs.

Statutory Authority: § 2.1-708 (3) of the Code of Virginia.

Written comments may be submitted until July 27, 1985.

Contact: Patricia Walsh, Technical Assistance Unit Director, Governor's Employment and Training Division, 417 E. Grace St., P. O. Box 12083, Richmond, Va. 23241, telephone (804) 786-2254

GOVERNOR'S JOB TRAINING COORDINATING COUNCIL

July 15, 1985 - 10:30 a.m. - Open Meeting

Richmond Marriott, 500 East Broad Street, Richmond, Virginia. (Location accessible to handicapped; interpreter for deaf provided if requested.)

This is a general meeting of the Council and is open to the public.

Contact: Gladys Walker, Governor's Employment and Training Division, 417 E. Grace St., P. O. Box 12083, Richmond, Va. 23241, telephone (804) 786-8085

GOVERNOR'S REGULATORY REFORM ADVISORY BOARD

July 25, 1985 - 10 a.m. - Public Hearing

General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. (Location accessible to handicapped.)

A review and modification of "staff" draft of legislation incorporating decisions made on the three issues being examined with respect to the Administrative Process Act, and adoption of draft for public hearing.

September 10, 1985 - 10 a.m. - Public Hearing

General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. (Location accessible to handicapped.)

A public hearing on the draft legislation proposed at the July 25th meeting; and adoption for introduction at 1986 session.

Contact: Philip F. Abraham, State Capitol, Governor's Office, Richmond, Va. 23219, telephone (804) 786-2211

COMMISSION OF HEALTH REGULATORY BOARDS

July 16, 1985 - 1 p.m. - Open Meeting

VCU Meeting Center (Harrison and Floyd Streets), 101 North Harrison Street, Richmond, Virginia. (Location accessible to handicapped; interpreter for deaf provided if requested.)

Calendar of Events

A regular quarterly meeting of the Commission to discuss routine matters. A progress report on regulatory review will be presented. The Nominating Committee for 1985-86 Commission Officers and Executive Committee will be appointed. Progress reports of special and standing committees will be received.

Contact: Richard D. Morrison, Policy Analyst, 517 W. Grace St., P. O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0822

DEPARTMENT OF HEALTH

† **August 23, 1985 - 10 a.m.** – Public Hearing
James Madison Building, 109 Governor Street, Main Floor Auditorium, Richmond, Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Health intends to amend regulations entitled: Virginia Voluntary Formulary. A list of drugs of accepted therapeutic value, commonly prescribed and available from more than one source of supply.

STATEMENT

Subject, Substance, Issues, Basis and Purpose:

The purpose of the Virginia Formulary is to provide a list of drugs of accepted therapeutic value, commonly prescribed within the state which are available from more than one source of supply, and a list of chemically and therapeutically equivalent drug products which have been determined to be interchangeable. Utilization of the Formulary by practitioners and pharmacists enables citizens of Virginia to obtain safe and effective drug products at a reasonable price consistent with high quality standards.

The proposed revision to the Virginia Voluntary Formulary deletes drug products from the Formulary. These deletions are based upon recommendations of the Virginia Voluntary Formulary Council following its review of scientific data submitted by pharmaceutical manufacturers. The Council makes its recommendations to the State Board of Health.

The Virginia Voluntary Formulary is needed to enable citizens of Virginia to obtain safe and effective drug products at a reasonable price consistent with high quality standards. Without the Formulary, physicians, dentists, and pharmacists in Virginia would not have the assurance that those generic drug products that may be substituted for brand name products have been evaluated and judged to be interchangeable with the brand name products.

Statutory Authority: §§ 32.1-12 and 32.1-79 et seq. of the Code of Virginia.

Written comments may be submitted no later than 5 p.m., August 23, 1985.

Contact: James K. Thomson, Director, Bureau of Pharmacy Services, Department of Health, James Madison Bldg., 109 Governor St., Richmond, Va. 23219, telephone (804) 786-4326

VIRGINIA HEALTH SERVICES COST REVIEW COMMISSION

June 26, 1985 - 9:30 a.m. – Open Meeting
Blue Cross and Blue Shield of Virginia, 2015 Staples Mill Road, Virginia Room, Richmond, Virginia. (Location accessible to handicapped.)

A monthly business meeting of the Commission for the purpose of addressing financial, policy or technical matters which may have arisen since last meeting.

Contact: Ann Y. McGee, Director, 805 E. Broad St., 7th Floor, Richmond, Va. 23219, telephone (804) 786-6371

DEPARTMENT OF HIGHWAYS AND TRANSPORTATION

† **July 10, 1985 - 7:30 p.m.** – Public Hearing
County Courthouse, Surry, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Highways and Transportation intends to amend regulations entitled: Fares for the Jamestown-Scotland ferry. These are the fares charged for travel on the ferry between Jamestown and Scotland, Virginia.

Statutory Authority: § 33.1-254 of the Code of Virginia.

Written comments may be submitted until July 10, 1985, to J. T. Warren, Director of Operations, 1221 E. Broad St., Richmond, Va. 23219.

Contact: R. J. Gibson, Resident Engineer, P. O. Box 45, Waverly, Va. 23890, telephone (804) 834-2333

† **July 11, 1985 - 9 a.m.** – Public Hearing
Department of Highways and Transportation, 1221 East Broad Street, Auditorium, Richmond, Virginia. (Location accessible to handicapped; interpreter for deaf provided if requested.)

A public hearing to receive comments from the four eastern highway districts on highway allocations for the coming year and on updating the six-year improvement program for the interstate, primary and urban systems.

† **July 18, 1985 - 10 a.m.** – Open Meeting
Department of Highways and Transportation, 1221 East

Calendar of Events

Broad Street, Board Room, Richmond, Virginia. (Location accessible to handicapped; interpreter for deaf provided if requested.)

A monthly meeting of the Highway and Transportation Board to vote on proposals presented regarding bids, permits, additions and deletions to the highway system and any other matters requiring Board approval.

Contact: J. T. Warren, Director of Operations, 1221 E. Broad St., Richmond, Va. 23219, telephone (804) 786-2711

DEPARTMENT OF LABOR AND INDUSTRY

August 2, 1985 - 10 a.m. - Public Hearing
State Capitol, Capitol Square, House Room 4, Richmond, Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Labor and Industry intends to amend regulations entitled: Virginia Occupational Safety and Health Standards for General Industry, Hazard Communication Standard. (VR 425-02-1) The Hazard Communication Standard's purpose is to ensure that the hazards of all chemicals produced or imported by chemical manufacturers or importers are evaluated, and that information concerning their hazards is transmitted to affected employers and employees throughout the private sector.

STATEMENT

Subject, Substance, Issues, Basis and Purpose: The present Virginia Hazard Communication Standard applies to Standard Industrial Classification (SIC) Codes 20-39 and state and local government employers.

The Virginia Occupational Safety and Health (VOSH) Program proposed to amend the scope of the Hazard Communication Standard to include all employers except those in the Agricultural and Construction (SIC) Codes (i.e., thus the scope of the amended Hazard Communication Standard will apply to SIC Codes 20-90 and state and local government employers).

Also by the present regulatory action the Virginia Occupational Safety and Health (VOSH) Program proposes to amend § 1910.1200 (i) (3) to include nurses within the definition of "Health Professionals" who may request access to trade secret information in nonemergency situations.

Statutory Authority: § 40.1-22 (5) of the Code of Virginia.

Written comments may be submitted until July 15, 1985, to Department of Labor and Industry, P. O. Box 12064, Richmond, Virginia 23241.

Contact: Dr. Clarence H. Wheeling, Enforcement Director,

Bureau of Occupational Health, 109 Governor St., Richmond, Va. 23219, telephone (804) 786-6285

VIRGINIA STATE LIBRARY BOARD

June 24, 1985 - 11 a.m. - Open Meeting
Virginia State Library, 11th Street at Capitol Square, State Librarian's Office, Richmond, Virginia. (Location accessible to handicapped.)

A regular quarterly meeting to discuss administrative matters.

Contact: Jean Reynolds, Virginia State Library, 11th St. at Capitol Square, Richmond, Va. 23219, telephone (804) 786-2332

MARINE RESOURCES COMMISSION

June 25, 1985 - 9:30 a.m. - Open Meeting
2401 West Avenue, Newport News, Virginia

The Marine Resources Commission normally meets on the fourth Tuesday each month, at 9:30 a.m., at the agency office, 24th Street and West Avenue, Newport News, Virginia. It hears and decides cases on fishing licensing; oyster ground leasing, environmental permits in wetlands, bottomlands, coastal sand dunes, and beaches. It hears and decides appeals made on local wetlands board decisions.

Fishery Management and Conservation measures are discussed by the Commission. The Commission is empowered to exercise general regulatory power within 15 days, and is empowered to take specialized marine life harvesting and conservation measures within 5 days.

Contact: Virginia S. Chappell, Secretary to the Commission, Marine Resources Commission, P. O. Box 756, Newport News, Va. 23607, telephone (804) 247-2208

BOARD OF MEDICAL ASSISTANCE SERVICES

† June 25, 1985 - 10 a.m. - Open Meeting
James Madison Building, 109 Governor Street, 13th Floor Conference Room, Richmond, Virginia. (Location accessible to handicapped.)

The Board will vote to give final approval to regulations on the appeals process for hospitals. This is a general meeting of the Board to review public comments.

Contact: Bruce Kozlowski, 109 Governor St., Richmond, Va., telephone (804) 786-7933

Calendar of Events

VIRGINIA STATE BOARD OF MEDICINE

† July 18, 1985 - 8:30 a.m. - Open Meeting
† July 19, 1985 - 8:30 a.m. - Open Meeting
† July 20, 1985 - 8:30 a.m. - Open Meeting
Cavalier on the Hill, 42nd Street, Virginia Beach, Virginia.
(Location accessible to handicapped.)

The Board will meet to review reports, interview licensees and make decisions on disciplinary matters before the Board on Thursday, Friday and Saturday morning. At 1:30 p.m., Saturday, the 20th of July, the full Board will meet in open session to conduct general Board business.

Contact: Eugenia K. Dorson, Executive Secretary, 517 W. Grace St., P. O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0575

MENTAL HEALTH AND MENTAL RETARDATION BOARD

June 26, 1985 - 10 a.m. - Open Meeting
Southside Community Services Board, South Boston, Virginia. (Location accessible to handicapped.)

A regular monthly meeting. The agenda will be published June 19, and may be obtained by calling Jane Helfrich.

June 29, 1985 - 10 a.m. - Open Meeting
Richmond Hyatt, I-64 West, 6624 West Broad Street, Richmond, Virginia. (Location accessible to handicapped.)

"Discover What We Have In Common: Advocating for the Mentally Disabled." State Board inviting advocacy groups for mentally disabled to meet to discuss mutual efforts.

Contact: Jane V. Helfrich, Mental Health and Mental Retardation Board Secretary, Department of Mental Health and Mental Retardation, P. O. Box 1797, Richmond, Va. 23214, telephone (804) 786-3921

DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION

June 25, 1985 - 10:30 a.m. - Public Hearing
James Madison Building, 109 Governor Street, Mezzanine Level (1st Floor) Conference Room, Richmond, Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Department of Mental Health and Mental Retardation intends to adopt regulations entitled: Mandatory Standards for the Certification of First Offender Drug Abuse Diversion and Education Programs. These standards are intended to establish the criteria for the

establishment and operation of programs designed specifically to provide a substance education alternative for court clients. These Standards set minimum criteria for the establishment and operation of the above mentioned programs.

STATEMENT

Subject, Substance Issues, Basis and Purpose: The Mandatory Standards for the Certification of First Offender Drug Abuse Diversion and Education Programs are designed to establish minimum criteria for substance abuse diversion and education programs operated in the Commonwealth of Virginia. These programs offer an alternative disposition to courts for first offenders convicted on drug violations.

The standards delineate criteria for the application for certification, program, design, curriculum design, referral agreement, drug toxicology screening, fee structure, staffing and reporting requirements.

The mandatory standards affect substance abuse diversion and education programs currently operating and any proposed program.

Statutory Authority: § 18.2-251 of the Code of Virginia.

Written comments may be submitted until June 25, 1985.

Contact: Frank Patterson, Assistant Director for Justice System Services, Virginia Department of Mental Health and Mental Retardation, Box 1797, Richmond, Va. 23214, telephone (804) 786-3908

June 27, 1985 - 10 a.m. - Open Meeting
Department of Personnel and Training, James Monroe Building, 101 North 14th Street, Mezzanine Level, Training Room 2, Richmond, Virginia. (Location accessible to handicapped.)

The Interagency Committee will be developing the strategies necessary to implement the recommendations of The Task Force on the Mentally Ill in Virginia's Jails.

Contact: Frank S. Patterson, Office of Forensic Services, Virginia Department of Mental Health and Mental Retardation, P. O. Box 1797, Richmond, Va. 23214, telephone (804) 786-3908

September 10, 1985 - 7 p.m. - Public Hearing
Mary Washington College, Fredericksburg, Virginia. (Location accessible to handicapped.)

September 11, 1985 - 11 a.m. - Public Hearing
Western State Hospital, Staff Development Building, Rooms 86 and 87, Staunton, Virginia. (Location accessible to handicapped.)

September 12, 1985 - 1 p.m. - Public Hearing
Senior Citizen's Center, 307 Park Street, Marion, Virginia. (Location accessible to handicapped.)

A public hearing on proposed Community Rules and

Calendar of Events

Regulations to invite comment from those interested persons who will be affected by these regulations.

Contact: Elsie D. Little, A.C.S.W., P. O. Box 1797, Richmond, Va. 23214, telephone (804) 786-3988

September 13, 1985 - 11 a.m. - Public Hearing
Southeastern Virginia Training Center, Building 3, Inservice Training Room, Chesapeake, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Mental Health and Mental Retardation intends to adopt regulations entitled: Rules and Regulations to Assure the Rights of Clients in Community Programs. (VR 470-03-03) The purpose of the regulations is to delineate the rights of clients of community programs licensed or funded by the Department of Mental Health and Mental Retardation.

STATEMENT

Subject, Basis and Purpose: The Rules and Regulations to Assure the Rights of Clients in Community Programs Licensed or Funded by the Department of Mental Health and Mental Retardation are to delineate the rights of clients of community programs licensed or funded by the Department of Mental Health and Mental Retardation. The Community Rules and Regulations identify those fundamental rights which may not be restricted by a community program. The regulations define those client rights which may be restricted for therapeutic reasons, aid in the assurance of client participation in treatment for therapeutic reasons, aid in the assurance of client participation in treatment decision making, and define client participation in work activities. An administrative review process for review of alleged violations of rights is established. That mechanism delineated the roles and responsibilities of the persons involved. These regulations will be more appropriate to meet the requirements and scope of community programs.

The Community Rules and Regulations are needed in order to comply with § 37.1-84.1, of the Code of Virginia. Since protection of individual rights in funded or licensed programs by the Department of Mental Health and Mental Retardation is a mandate, not providing regulations for clients in community programs was considered an acceptable alternative. Without the Community Rules and Regulations, the Department of Mental Health and Mental Retardation could not offer consistent rights protection of those clients. Rights violations might go undetected or be inadequately handled by the community program staff. Rights violations that could be quickly and fairly handled by means set forth in these rules and regulations might be handled by complicated, costly and time consuming court procedures instead if the rules and regulations are not established.

Substance and Issues: A 16 member task force, established by the Department of Mental Health and Mental Retardation has been working on the Community Rules

and Regulations for the past three years. The membership represented a wide variety of public and private professional and consumer interests in all three disability areas. The task force focused its efforts on developing rules and regulations that would present the least burden on regulated programs while still ensuring the protection of client rights.

In May, 1983, October, 1984, and December, 1984, the Department of Mental Health and Mental Retardation mailed out copies of the Community Rules and Regulations to agencies and interested individuals for comments and the rules and regulations were rewritten in response to comments received.

In considering alternative approaches to meet the need, the proposed regulations address a number of options. One alternative approach to these regulations which was considered was to write separate rules and regulations for each of the disability areas (mental illness, mental retardation, and substance abuse) was considered. This idea was rejected because many programs provided services in two or all three of these areas and would, therefore, have to be familiar with two or three sets of rules and regulations. Writing separate rules and regulations for residential and nonresidential programs was yet another alternative considered. This idea was rejected because many community services boards and agencies have both residential and nonresidential programs and would, therefore, have to operate with two sets of rules and regulations.

Statutory Authority: §§ 37.1-10 and 37.1-84.1 of the Code of Virginia.

Written comments may be submitted until September 15, 1985.

Contact: Elsie D. Little, A.C.S.W., State Human Rights Director, P. O. Box 1797, Richmond, Va. 23214, telephone (804) 786-3988

Better Beginnings for Virginia's Children

† June 26, 1985 - 1 p.m. - Open Meeting
1520 Aberdeen Road, Hampton, Virginia

A meeting to review local coalition activities/problems, and to seek suggestions for Phase II of project.

Contact: Marcia Penn, Department of Mental Health and Mental Retardation, P. O. Box 1797, Richmond, Va. 23214, telephone (804) 786-1530

The Interagency Committee for the Implementation of the Recommendations of the Task Force on the Mentally Ill in Virginia's Jails

June 27, 1985 - 10 a.m. - Open Meeting
James Monroe Building, Department of Personnel and Training, 101 North 14th Street, Mezzanine Level, Training

Calendar of Events

Room 2, Richmond, Virginia. (Location accessible to handicapped.)

The Committee will meet to develop the strategies necessary to implement the Recommendations of The Task Force on the Mentally Ill in Virginia's Jails.

Contact: Frank S. Patterson, Office of Forensic Services, Virginia Department of Mental Health and Mental Retardation, P. O. Box 1797, Richmond, Va. 23214, telephone (804) 786-3908

Systemwide Training Workgroup

† August 6, 1985 - 10 a.m. - Open Meeting
Zincke Building, 203 Governor Street, Room 302, 3rd Floor, Richmond, Virginia. (Location accessible to handicapped.)

A meeting to discuss training issues related to facility and community programs.

Contact: Ken Macurik, Training Office, P. O. Box 1797, Richmond, Va. 23214, telephone (804) 786-6133

DEPARTMENT OF MINES, MINERALS AND ENERGY

July 15, 1985 - 10 a.m. - Public Hearing
Division of Mined Land Reclamation, 622 Powell Avenue, Conference Room, Big Stone Gap, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Mines, Minerals and Energy intends to amend regulations entitled: Chapter 19, Coal Surface Mining Reclamation Regulations. These regulations establish the procedures and requirements through which the Virginia Coal Surface Mining Control and Reclamation Act of 1979 and the Federal Surface Mining Control and Reclamation Act of 1977 are implemented pursuant to the Virginia Permanent Regulatory Program, as approved by the United States Secretary of the Interior.

STATEMENT

Basis: These regulations are issued under the authority granted by § 45.1-230 of the Code of Virginia.

Purpose: These regulations set forth the coal mining and reclamation operations subject to the Act; procedures for mining on federal lands in Virginia under a state - federal cooperative agreement; procedures to designate certain areas as unsuitable for mining; applications for and decisions on permits; performance bond and public liability insurance; environmental and other performance standards which apply to mining operations; inspection, enforcement, and civil penalty provisions; and the procedures applicable to the operation of the program to reclaim abandoned coal mine lands.

Issues: The Department is proposing major revisions to the current regulations resulting from its regulatory review program. A reorganization and consolidation of most rules plus elimination of a companion Technical Handbook is being considered. Also, many design standards would be replaced by general performance criteria.

The United State Secretary of the Interior notified Virginia that several provisions of the current regulations are not as effective as certain revised federal rules. The proposed revisions will correct those deficiencies as well.

Substance: The federal system of numbering has been followed where possible to ensure Virginia's program is as effective as the federal rules and to help identify future revisions to the federal standards which may affect the state's program. Provisions which differ from the federal rules and account for Virginia's climate, terrain, and state and local government processes are proposed where necessary.

Statutory Authority: § 45.1-230 of the Code of Virginia.

Written comments may be submitted until July 15, 1985.

Contact: Conrad T. Spangler, Chief Engineer, Drawer U, Big Stone Gap, Va. 24219, telephone (804) 523-2925

STATE BOARD OF OPTOMETRY

July 31, 1985 - 9 a.m. - Open Meeting
Holiday Inn (Downtown), 301 West Franklin Street, Board Room, 3rd Floor, Richmond, Virginia. (Location accessible to handicapped.)

A general business meeting and a review of the State Board Examination.

Contact: Lawrence H. Redford, Executive Director, Virginia Board of Optometry, P. O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0131

State Board Examination and Diagnostic Pharmaceutical Agent Examination

August 1, 1985 - 8 a.m. - Open Meeting
Medical College of Virginia, 1101 East Marshall Street, Sanger Hall, Rooms 1-044, 1-067, 1-069, and B1-064, Richmond, Virginia

Optometry State Board Examination & Diagnostic Pharmaceutical Agents Examination.

Contact: Lawrence H. Redford, Executive Director, Board of Optometry, P. O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0131

Calendar of Events

BOARD OF PHARMACY

June 25, 26, 1985 - 7:45 a.m. to 5 p.m. - Open Meeting
Richmond Hyatt, I-64 West, 6624 West Broad Street,
Richmond, Virginia. (Location accessible to handicapped.)

A Board Meeting and Administering of Board
Examinations.

Contact: J. B. Carson, Executive Director, 517 W. Grace
St., P. O. Box 27708, Richmond, Va. 23261, telephone
(804) 786-0182

ADVISORY COMMITTEE ON PHYSICAL THERAPY

† July 19, 1985 - 1:30 p.m. - Open Meeting
Cavalier on the Hill, 42nd Street, Virginia Beach, Virginia.
(Location accessible to handicapped.)

The Advisory Committee will meet to conduct general
committee business and respond to correspondence.

Contact: Eugenia K. Dorson, Executive Secretary, 517 W.
Grace St., P. O. Box 27708, Richmond, Va. 23261,
telephone (804) 786-0575

VIRGINIA REAL ESTATE COMMISSION

† June 25, 1985 - 9 a.m. - Open Meeting
Department of Commerce, Travelers Building, 3600 West
Broad Street, Board Room 1, 5th Floor, Richmond,
Virginia. (Location accessible to handicapped.)

The Commission will meet to (i) approve minutes
from April 29, 1985 and May 23, 1985 meeting; (ii)
discuss investigative cases, appointments, and (iii)
review applications.

Contact: Lucia Anna Trigiani, Interim Assistant Director
for Real Estate, 3600 W. Broad St., 5th Floor, Room
523, Richmond, Va. 23230, telephone (804) 257-8516
(toll-free number 1-800-552-3016)

† July 2, 1985 - 10 a.m. - Open Meeting
Garfield Administrative Complex, 15960 Cardinal Drive,
Conference Room, Woodbridge, Virginia

The Board will meet to conduct a formal fact-finding
hearing regarding Virginia Real Estate Commission v.
Earl H. Frasier, Jr., Salesman, Woodbridge, Virginia.

† July 3, 1985 - 1 p.m. - Open Meeting
Virginia Department of Agriculture and Consumer Affairs,
234 West Shirley Avenue, Conference Room, Warrenton,
Virginia

The Board will meet to conduct a formal fact-finding
hearing regarding Virginia Real Estate Commission v.
Joseph T. Tucker, Broker, Warrenton, Virginia.

Contact: Sylvia W. Bryant, Hearings Coordinator,
Department of Commerce, 3600 W. Broad St.,
Richmond, Va. 23230, telephone (804) 257-8524

VIRGINIA REFUGEE RESETTLEMENT ADVISORY COUNCIL

† July 11, 1985 - 10 a.m. - Open Meeting
Saint Mary's Catholic Church, Fredericksburg, Virginia.
(Location accessible to handicapped.)

A regular meeting of the State Refugee Advisory
Council. The general order of business will be to
review the by-laws and presentations by State Refugee
service providers.

Contact: Donna T. Douglas, 8007 Discovery Dr.,
Richmond, Va., telephone (804) 281-9029

VIRGINIA RESOURCES AUTHORITY

Board of Directors

July 2, 1985 - 10 a.m. - Open Meeting
State Water Control Board Room, 2111 North Hamilton
Street, Richmond, Virginia

A meeting to approve minutes of the prior monthly
Board meeting; to review the Authority's operations
for the prior month; and to consider other matters
and take other actions as they may deem appropriate.
The planned agenda of the meeting will be available
at the offices of the Authority one week prior to the
date of the meeting.

Contact: Shockley D. Gardner, Jr., Executive Director, P.
O. Box 1300, Richmond, Va. 23210, telephone (804)
788-8174

VIRGINIA SAFETY AND HEALTH CODES COMMISSION

July 1, 1985 - 10 a.m. - Open Meeting
Fourth Street Office Building, 205 North 4th Street, Second
Floor Conference Room, Richmond, Virginia. (Location
accessible to handicapped.)

The Commission will meet to address organizational
and informational matters.

Contact: C. P. Deane, Assistant Commissioner, Virginia
Department of Labor and Industry, P. O. Box 12064,
Richmond, Va. 23241, telephone (804) 786-2383

STATE SEWAGE HANDLING AND DISPOSAL APPEALS REVIEW BOARD

July 17, 1985 - 10 a.m. - Open Meeting
August 14, 1985 - 10 a.m. - Open Meeting
General Assembly Building, Capitol Square, Senate Room
A, Richmond, Virginia. (Location accessible to
handicapped.)

The Board will meet to hear and render a decision on

all appeals of denials of On-Site Sewage Disposal System Permits.

Contact: P. M. Brooks, 502 Madison Bldg., Richmond, Va. 23219, telephone (804) 786-1931

STATE BOARD OF SOCIAL SERVICES

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Social Services intends to amend regulations entitled: **Lump Sum Income in the Aid to Dependent Children (ADC) Program**. The proposed regulations allow local departments of social services to shorten the period of ineligibility caused by receipt of lump sum income under certain conditions. This provision is an option provided states in the federal Deficit Reduction Act of 1984 (§ 2632).

STATEMENT

Subject: The proposed amendment to the Lump Sum Ineligibility Period in the Aid to Dependent Children (ADC) Program is being proposed for a 60-day comment period.

Substance: The State Board of Social Services proposes to allow local departments of social services to recalculate the period of ineligibility caused by receipt of a lump sum payment when (i) the standard of need increases and the amount the family would have received also changes, (ii) the lump sum or portion thereof becomes unavailable to the family for a reason beyond their control, or (iii) the family incurs medical expenses during the period of ineligibility and uses the lump sum moneys to cover the cost of medical expenses received.

For purposes of item (ii), "reasons beyond the control of the family" include a family member absconding with the lump sum moneys, the theft of such moneys, repayment of debts, or any other condition which, in the best judgement of the local agency, is deemed to meet this criterion for shortening the period of ineligibility. Under current regulations, the period of ineligibility may only be shortened in connection with a life threatening circumstance, incurred by the assistance unit.

Issues: As set forth in the federal Deficit Reduction Act of 1984 (P.L. 98-369), states may opt to shorten the lump sum ineligibility period under any, or all, of the above-mentioned conditions. Having carefully reviewed the impact of these conditions, the State Board has endorsed an amendment which will allow the period of ineligibility to be recalculated in all three of the above-mentioned situations.

Pursuant to P.L. 98-369, states which opt to implement conditions (ii) and (iii) set forth above must define the unavailability due to circumstances beyond control of the family, and which medical expenses incurred and paid by

the family will be allowed when recalculating the period of ineligibility.

Due to the fact that local agencies are best suited to evaluate situations which may be beyond the family's control, the Board has determined that final authority for such decisions will rest with the superintendent/director of each locality. Further, the Department has developed a list of medical services which will be allowed when recalculating the period of ineligibility, if the cost of such services are paid from the proceeds of a lump sum payment.

Basis: The proposed amendment is an option made available to states in the federal Deficit Reduction Act of 1984 (P.L. 98-369). Section 63.1-25 of the Code of Virginia delegates authority to the State Board of Social Services to promulgate rules and regulations necessary for operation of public assistance programs in Virginia.

Purpose: The purpose of the proposed regulation is to allow for a reduction in the number of months a family is determined to be ineligible for assistance due to receipt of a lump sum payment. The proposed amendment will not penalize those recipients of lump sum payments in situations where the proceeds of such payments are depleted through no fault of their own.

Statutory Authority: § 63.1-25 of the Code of Virginia.

Written comment may be submitted until August 9, 1985, to I. Guy Lusk, Director, Division of Benefit Programs, Department of Social Services.

Contact: Carolyn Ellis, Supervisor, Economic Assistance Unit, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9046

DEPARTMENT OF SOCIAL SERVICES

Division of Benefit Programs

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Social Services, Division of Benefit Programs intends to amend regulations entitled: **Earned Income Disregards in the Aid to Dependent Children (ADC) Program/Student Earnings**. (VR 615-01-1) The proposed regulation is intended to disregard the earned income of a full-time student for a period of six months in the first two steps of the eligibility determination process for assistance in the Aid to Dependent Children (ADC) Program.

STATEMENT

Subject: Proposed amendment to the following regulation:

Calendar of Events

Earned Income Disregards/Student Income in the Aid to Dependent Children (ADC) Program.

This amendment is being proposed for a 60-day comment period.

Substance: *The proposed regulation as set forth will require the earned income of a dependent child who is a full-time student to be disregarded for a period of six months per calendar year in the first two steps of the eligibility determination process for assistance in the Aid to Dependent Children Program. The first step of eligibility determination process consists of screening total gross family income against 185% of the state's standard of need. In the second step, gross income of the family unit, minus the appropriate income disregards, is screened against 90% of the state's standard of need.*

Issues: *1. Duration of Disregard -*

Federal regulations specify that the earned income of a dependent child who is a full-time student may be disregarded for a period not to exceed six months per calendar year. The proposed regulation disregards such student income for the entire six-month period.

2. Amount to be Disregarded -

Federal regulations specify that all or part of such student income may be disregarded in the first two steps of the eligibility determination process. The proposed regulation disregards all earnings of a full-time student.

Basis: *The proposed regulation has been developed pursuant to the provisions of § 63.1-25 of the Code of Virginia and § 2642 of the Federal Deficit Reduction Act of 1984 (P.L. 98-369).*

Purpose: *The purpose of the proposed regulation is to ensure equity and consistency with regard to application of student income in the determination of a family's eligibility for assistance in the Aid to Dependent Children Program. Currently, earnings derived by a youth through participation in the Job Training Partnership Act of 1982 (P.L. 97-377) are disregarded for a period of six months per calendar year in the determination of eligibility for assistance in the Aid to Dependent Children Program. The proposed regulation will extend the same disregard to non-Job Training Partnership Act related employment.*

Statutory Authority: § 63.1-25 of the Code of Virginia.

Written comments may be submitted until July 26, 1985 to I. Guy Lusk, Director, Division of Benefit Programs, Department of Social Services.

Contact: Carolyn C. Ellis, Supervisor, Economic Assistance Unit, Division of Benefit Programs, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9046

† Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Social Services, Division of Benefit Programs intends to amend regulations entitled: **Maximum Resource Limit in the Aid to Dependent Children (ADC) and General Relief (GR) Programs.** (VR 615.01.3) The State Board of Social Services intends to increase the maximum resource limit for resources which can be retained by an applicant/recipient of assistance in the Aid to Dependent Children (ADC) and General Relief (GR) Programs from \$600 to \$1,000.

STATEMENT

Subject: *Proposed amendment to the following regulation:*

Maximum Resource Limit in the Aid to Dependent Children (ADC) and General Relief (GR) Programs.

This amendment is being proposed for a 60-day comment period.

Substance: *Federal regulations limit eligibility for assistance in the Aid to Dependent Children (ADC) Program to those families with available resources, not specifically excluded, which do not exceed \$1,000, or such lower limit established at the discretion of each state. In Virginia, the State Board of Social Services has set the maximum limit for resources which may be retained by an applicant/recipient of Aid to Dependent Children (ADC) at \$600. Additionally, the Board has also adopted this amount as the maximum which may be retained by an applicant/recipient of General Relief (GR).*

As set forth herein, the Board is proposing to increase the maximum resource limit in both the Aid to Dependent Children (ADC) and General Relief (GR) Programs from \$600 to \$1,000.

Issues: *Resource limits in the Aid to Dependent Children (ADC) and General Relief (GR) Programs have not been increased since January 1, 1978. It is, therefore, felt that an increase in the resource limit will allow applicants/recipients to retain an amount which more accurately reflects the current cost of living.*

Basis: *Chapter 1, Title 63.1-25 of the Code of Virginia delegates authority to the State Board of Social Services to promulgate rules and regulations necessary for operation of public assistance programs in Virginia. Title IV-A, § 402(a)(7) of the Social Security Act has established the maximum resource limit for applicants/recipients in the Aid to Dependent Children (ADC) Program at \$1,000, or such lower limit established by each state.*

Purpose: *To establish a more reasonable limit on the maximum value of resources which may be retained by an applicant/recipient of assistance in the Aid to*

Calendar of Events

Dependent Children (ADC) and General Relief (GR) Programs.

Statutory Authority: § 63.1-25 of the Code of Virginia.

Written comments may be submitted until August 23, 1985, to I. Guy Lusk, Director, Division of Benefit Programs, Department of Social Services, 8007 Discovery Drive, Richmond, Virginia 23229-8699.

Contact: Carolyn C. Ellis, Supervisor, Economic Assistance Unit, Division of Benefit Programs, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9046

† Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Social Services, Division of Benefit Programs intends to amend regulations entitled: **Safeguarding Information in the Aid to Dependent Children (ADC) Program/Disclosure of Information to Law-Enforcement Officers.** (VR 615.01.4) The proposed regulation is intended to allow local agencies to disclose to state or local law-enforcement officers the address of a recipient if: (i) such recipient is a fugitive felon; (ii) location/apprehension of the felon is within the officer's official duties; and (iii) the request is made in the proper exercise of those duties.

STATEMENT

Subject: Proposed amendment to the following regulation:

Disclosure of Information to Law-Enforcement Officers in the Aid to Dependent Children (ADC) Program. (VR 615-01.4).

This amendment is being proposed for a 60-day comment period.

Substance: The proposed regulation will allow local departments of social services to disclose the address of a current recipient of Aid to Dependent Children to a state or local law-enforcement officer if the recipient is a fugitive felon. The officer must provide the recipient's name, social security number, and demonstrate that the location or apprehension of such felon is within the officer's official duties.

Issues: 1) Federal regulations allow states to define a fugitive felon utilizing a state law, federal law or combination thereof. In conjunction with the Attorney General's office, the Department has determined the most appropriate definition of a fugitive felon is as follows:

Any person charged with a crime punishable by death, or which is a felony under the law in the place from which the person flees, or which, in the case of New Jersey, is a high misdemeanor under the law of said state who flees to

avoid prosecution, or custody or confinement after conviction.

2) To ensure the request for the recipient's address is within the officer's official duties, the Department has mandated that in addition to the recipient's name and social security number, the officer must provide evidence of an outstanding warrant for the fugitive felon's arrest.

3) The federal Deficit Reduction Act of 1984 (P.L. 98-369) allows states to disclose the address of a recipient who is a fugitive felon to a state or local law-enforcement officer regardless of whether the state has enacted legislation allowing public access to federal welfare records.

4) The federal law does not specify if disclosure of a recipient's current address is limited to state or local law-enforcement officers in the state from which the recipient is currently receiving assistance or is applicable to state or local law-enforcement officers from other states. The Attorney General's office has advised that disclosure of information need not be limited to state and local law-enforcement officers of the Commonwealth.

Basis: The proposed regulation has been developed pursuant to Chapter 1, Title 63.1-25 of the Code of Virginia and § 2636 of the federal Deficit Reduction Act of 1984 (P.L. 98-369).

Purpose: Prior to enactment of P.L. 98-369, states were prohibited from disclosing information regarding recipients to law-enforcement officers, except for public assistance related crimes, thereby, protecting such recipients who are fugitive felons from prosecution or confinement for crimes with which they have been charged or which they have committed. With passage of the Deficit Reduction Act, however, states may assist law-enforcement agencies in locating fugitive felons who are receiving Aid to Dependent Children.

As set forth in § 63.1-25 of the Code of Virginia, the State Board of Social Services has been delegated the authority to promulgate rules and regulations necessary to operate public assistance programs in Virginia. At the direction of the Board, the proposed amendment to the Aid to Dependent Children (ADC) Program has been approved for a 60-day public comment period.

It is the intent of the Board to allow local departments of social services to disclose the address of a current recipient of Aid to Dependent Children to a state or local law-enforcement officer if the recipient is a fugitive felon. Under current regulations, a recipient must be advised of each such request for information and must provide written authorization before the requested information may be released.

As set forth in the federal Deficit Reduction Act of 1984 (P.L. 98-369), states need not enact legislation relaxing privacy laws in order to adopt the regulation as described herein.

Calendar of Events

Statutory Authority: § 63.1-25 of the Code of Virginia.

Written comments may be submitted until August 23, 1985, to I. Guy Lusk, Director, Division of Benefit Programs, Department of Social Services, 8007 Discovery Drive, Richmond, Virginia 23229-8699.

Contact: Carolyn C. Ellis, Supervisor, Economic Assistance Unit, Division of Benefit Programs, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9046

† Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Social Services, Division of Benefit Programs intends to amend regulations entitled: **Collection of Overpayments in the Aid to Dependent Children (ADC) and Refugee Other Assistance Programs. (VR 615.01.5)** Allow waiver of overpayments to former recipients which are less than \$35 and overpayments are greater than \$35 if, after reasonable efforts to collect the overpayment, further efforts would not be cost effective. This provision does not apply to overpayments which are the result of fraud.

STATEMENT

Subject: Proposed amendment to the following regulation:

Collection of Overpayments in the Aid to Dependent Children (ADC) and Refugee Other Assistance Programs.

This amendment is being proposed for a 60-day comment period.

Substance: Current regulations in the Aid to Dependent Children (ADC) and Refugee Other Assistance Programs require states recover all overpayments of assistance which are the result of both agency and client error. The federal Deficit Reduction Act of 1984 (P.L. 98-369), however, allows states to waive recovery of outstanding overpayments to former Aid to Dependent Children (ADC) and Refugee Other Assistance recipients in situations where the total overpayments are less than \$35. Additionally, states may opt to waive recovery of overpayments to former recipients which are \$35, or more if, after reasonable efforts to collect the overpayments, it is determined that further efforts to collect the overpayment would not be cost-effective. The option to waive such overpayments is not applicable in situations involving fraud.

Issues: Federal regulations require that prior to determining if further efforts to collect an overpayment which is \$35, or more, would not be cost-effective, the agency must ensure "reasonable efforts" have been made to collect the overpayment from the former recipient. At minimum, the regulations require the agency to attempt to

contact the former recipient to notify him of the amount of the overpayment, the reason the overpayment occurred, and that repayment is required. The Department has expanded this requirement to ensure clarity and consistency. In situations where the former recipient cannot be located; or he refuses, in writing, to repay the overpayment; or he has no means by which to repay the overpayment, the local agency must conduct an evaluation to determine if further action to collect the overpayment will be cost-effective.

Federal regulations are also unclear with regard to whether states may allow localities, at their discretion, to pursue collection of overpayments which are less than \$35. To ensure uniform procedures regarding overpayments are applied throughout the Commonwealth, the proposed regulation, as set forth herein, will mandate local agencies to forego collection of all overpayments less than \$35.

Basis: Section 63.1-25 of the Code of Virginia and § 2633 of P.L. 98-369 (the Deficit Reduction Act of 1984) established the basis for states to adopt the regulation as set forth herein.

Purpose: The intent of the proposed regulation is to reduce administrative costs incurred by the local social services agencies through collection of overpayments which are not deemed to be cost-effective. Additionally, adoption of this regulation will increase consistency between the Aid to Dependent Children (ADC), Refugee Other Assistance, and Food Stamp Programs with regard to collection of overpayments. Under current Food Stamp Program regulations, local agencies may forego collection of Food Stamp overissuances which are less than \$35 from former program participants.

Statutory Authority: § 63.1-25 of the Code of Virginia.

Written comments may be submitted until August 23, 1985 to I. Guy Lusk, Director, Division of Benefit Programs, Department of Social Services, 8007 Discovery Drive, Richmond, Virginia 23229-8699.

Contact: Carolyn C. Ellis, Supervisor, Economic Assistance Unit, Division of Benefit Programs, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9046

1986 Low-Income Home Energy Assistance Block Grant

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Social Services intends to amend regulations entitled: **Virginia Fuel Assistance Program.** The proposed amendments will delete the voluntary quit provision; vary benefits by fuel type; replace the Heating Equipment Repairs/Replacement component with an Energy Crisis Assistance Program; and add a ceiling to the administrative costs reimbursement.

STATEMENT

Subject: *Proposed Amendments to the Virginia Fuel Assistance Program. These amendments are being proposed for a 60-day public comment period.*

Substance: *The amendments to the Program are as follows; (i) delete the voluntary quit provision as an eligibility criteria, (ii) vary benefits by fuel type, (iii) replace the Heating Equipment Repairs/Replacements (HER/R) component with an Energy Crisis Assistance Program (ECAP), and (iv) add a ceiling to the administrative costs reimbursement to local departments of social service.*

Issues: *The issues that relate to each amendment are as follows; (i) deleting the voluntary quit provision would mean that quitting a job will have no effect on an applicant's eligibility for fuel assistance or ECAP, (ii) varying benefits by fuel type will lower benefits for lower priced fuels and increase benefits for higher priced fuels, (iii) in administering ECAP, local departments of social services will have the flexibility of choosing which forms of assistance will best meet the needs of the clientele in their locality, and (iv) placing a ceiling on administrative costs reimbursement will mean that some local departments of social services will not be reimbursed for all their expenditures.*

Basis: *Virginia Code, § 63.1-25 provides the statutory basis for the promulgation of regulations relative to the Fuel Assistance Program.*

Purpose: *The purpose of each amendment is as follows; (i) the voluntary quit provision is being deleted because it is not cost effective and is not administered equitably statewide, (ii) basing benefits on fuel types more realistically ensures that the program's goal of assisting households with the least income and highest energy costs is achieved, (iii) replacing HER/R with ECAP will provide assistance to households who have energy emergencies that cannot be taken care of by other resources, and (iv) the addition of a ceiling in administrative cost reimbursement will ensure that the Department contains administrative expenses to the maximum federal reimbursable amount at the same time freeing up more funds for direct benefits to clients.*

Statutory Authority: § 63.1-25 of the Code of Virginia.

Written comments may be submitted until June 29, 1985 to Guy Lusk, Director, Division of Benefit Programs/Department of Social Services, 8007 Discovery Drive, Richmond, Virginia 23229-8699.

Contact: Charlene H. Chapman, Supervisor, Energy and Emergency Assistance, Division of Benefit Programs/Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9046 (toll-free number 1-800-552-7091)

VIRGINIA SOIL AND WATER CONSERVATION COMMISSION

July 10, 1985 - 2 p.m. - Open Meeting
Marriott Inn, 900 Price's Fork Road, N.W., Blacksburg, Virginia. (Location accessible to handicapped.)

The Commission will hold its regular bi-monthly business meeting.

Contact: Donald L. Wells, 203 Governor St., Suite 206, Richmond, Va. 23219, telephone (804) 786-2064

SOLID WASTE COMMISSION

July 10, 1985 - 2 p.m. - Public Hearing
General Assembly Building, Capitol Square, Senate Room B, Richmond, Virginia. (Location accessible to handicapped.)

A public hearing on the Southeast Compact Commission's Draft Regional Management Plan.

A copy of the draft plan is available for inspection in Room 824, General Assembly Building.

Contact: Cheryl Cashman, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-4169

DEPARTMENT OF TAXATION

August 8, 1985 - 10 a.m. - Public Hearing
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Taxation intends to adopt regulations entitled: **Individual Income Tax: Net Operating Losses. (VR 630-2-322.1)** This regulation sets forth and explains the procedures relating to the Virginia tax treatment of federal net operating losses.

STATEMENT

Basis: *This regulation is issued under authority granted by § 58.1-203 of the Code of Virginia.*

Purpose: *This regulation sets forth and explains the procedures relating to the Virginia tax treatment of federal net operating losses.*

Issues: *This is a previously unregulated area and the Virginia Code is silent on this subject. Federal law allows a deduction for net operating losses in the computation of federal adjusted gross income. Since the starting point on a Virginia individual income tax return is federal adjusted gross income, which would reflect any federal net operating loss, Virginia taxable income is indirectly affected.*

Calendar of Events

Substance: *This regulation specifies which Virginia modifications, and in what manner these modifications are to be considered in the recomputation of Virginia taxable income in years in which a federal net operating loss is utilized. To avoid ambiguity, the terms used in this regulation are defined and examples illustrating the computation of the Virginia modification in the loss year are provided. Furthermore, this regulation specifies the procedures for filing a Virginia refund claim in the event of a federal net operating loss. It also addresses such topics as when a claim must be filed, what supporting documents must accompany the claim, where the return must be filed, and how interest is to be computed on the overpayment resulting from the refund claim.*

Statutory Authority: § 58.1-203 of the Code of Virginia.

Written comments may be submitted until August 8, 1985.

Contact: Danny M. Payne, Director, Tax Policy Division, P. O. Box 6-L, Richmond, Va. 23282, telephone (804) 257-8010

BOARD FOR THE VISUALLY HANDICAPPED

July 10, 1985 - 11 a.m. – Open Meeting
Virginia Rehabilitation Center for the Blind, 401 Azalea Avenue, Richmond, Virginia. (Location accessible to handicapped; interpreter for deaf provided if requested.)

A quarterly meeting of the Board to review policy and procedures of the Department for the Visually Handicapped. The Board will review and approve the Department's budget, executive agreement, and operating plan.

Contact: Wanda D. Tompson, Confidential Secretary, 397 Azalea Avenue, Richmond, Va. 23227, telephone (804) 264-3145

VIRGINIA COUNCIL ON VOCATIONAL EDUCATION

June 26, 1985 - 1 p.m. – Open Meeting
June 27, 1985 - 8:30 a.m. – Open Meeting
Hyatt Richmond, I-64 West, 6624 West Broad Street, Richmond, Virginia. (Location accessible to handicapped.)

June 26 - 1 p.m. General session

June 27 - 8:30 a.m. Business session

Contact: George S. Orr, Jr., Executive Director, P. O. Box U, Blacksburg, Va. 24060, telephone (703) 961-6945

STATE WATER CONTROL BOARD

June 24, 1985 - 9 a.m. – Open Meeting
June 25, 1985 - 9 a.m. – Open Meeting

General Assembly Building, Capitol Square, Senate Room B, Richmond, Virginia. (Location accessible to handicapped.)

A quarterly board meeting.

Contact: Doneva A. Dalton, State Water Control Board, Office of Policy Analysis, P. O. Box 11143, Richmond, Va. 23230, telephone (804) 257-6829

STATE BOARD FOR CERTIFICATION OF OPERATORS OF WATER AND WASTEWATER WORKS

† **July 12, 1985 - 10 a.m. – Open Meeting**
Department of Commerce, Travelers Building, 3600 West Broad Street, Conference Room 1, Richmond, Virginia. (Location accessible to handicapped.)

A meeting to discuss the Board of Commerce resolution; schedule of meetings for 1986; results of May 3, 1985, examination; LGR study; discussion of Busic/Hey complaint; policy; and financial status.

Contact: Gerald W. Morgan, Assistant Director, 3600 W. Broad St., Richmond, Va. 23230-4917, telephone (804) 257-8508

COLLEGE OF WILLIAM AND MARY

Board of Visitors

July 1, 1985 - 12 noon – Open Meeting
College of William and Mary, Sir Christopher Wren Building, Blue Room, Williamsburg, Virginia

A regularly scheduled meeting to act on those resolutions that are presented by the administrations of the College of William and Mary and Richard Bland College.

An informational release will be available four days prior to the Board meeting for those individuals and organizations who request it.

Contact: Office of University Communications, College of William and Mary, James Blair Hall, Room 308, Williamsburg, Va. 23185, telephone (804) 253-4226

LEGISLATIVE

AMUSEMENT RIDE SAFETY JOINT SUBCOMMITTEE

† **June 26, 1985 - 10 a.m. – Open Meeting**
State Capitol, Capitol Square, House Room 4, Richmond,

Calendar of Events

Virginia. (Location accessible to handicapped.)

The joint subcommittee will meet to consider the issue of amusement park safety inspections and how such an inspection program might best be implemented on the state and local levels of government. (HJR 331)

Contact: Jessica Bolecek, Staff Attorney, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

COAL AND ENERGY COMMISSION AND THE SOLID WASTE COMMISSION JOINT MEETING

June 24, 1985 - 9:30 a.m. - Open Meeting
General Assembly building, Capitol Square, House Room D, Richmond, Virginia. (Location accessible to handicapped.)

The agenda for the meeting will consist of reports from : U.S. Department of Energy, Solid Waste Commission, Virginia Center for Coal and Energy Research, and briefing by Virginia Power.

Contact: Michael D. Ward, Staff Attorney, or Martin G. Farber, Research Associate, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

VIRGINIA CODE COMMISSION

† **June 26, 1985 - 9:30 a.m. - Open Meeting**
† **June 27, 1985 - 9:30 a.m. - Open Meeting**
General Assembly Building, Capitol Square, 6th Floor Conference Room, Richmond, Virginia. (Location accessible to handicapped.)

The Commission will continue its revision of Title 38.1 (Insurance laws) of the Code of Virginia.

Contact: Joan W. Smith, Virginia Code Commission, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

COMMISSION ON DEINSTITUTIONALIZATION

† **August 1, 1985 - 10 a.m. - Open Meeting**
General Assembly Building, Capitol Square, Senate Room A, Richmond, Virginia. (Location accessible to handicapped.)

JLARC will report findings of its study of deinstitutionalization policies and practices; the Virginia Association of Community Services Boards will testify on structure of mental health system.

† **August 2, 1985 - 10 a.m. - Open Meeting**
General Assembly Building, Capitol Square, Senate Room A, Richmond, Virginia. (Location accessible to handicapped.)

The Commission will begin to formulate its recommendations.

Contact: Susan C. Ward, Staff Attorney, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

FEDERAL BLOCK GRANTS JOINT SUBCOMMITTEE

July 15, 1985 - 10 a.m. - Public Hearing
General Assembly Building, Capitol Square, House Room D, Richmond, Virginia. (Location accessible to handicapped.)

A public hearing on Federal Block Grants in the areas of (i) Preventive Health and Health Services; (ii) Drug Abuse and Mental Health; and (iii) Community Services.

Contact: Norma E. Szakal, Staff Attorney, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591 or Jayne Thomas, Grant Director, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23288, telephone (804) 281-9217

JOINT LEGISLATIVE AND AUDIT REVIEW COMMISSION

† **July 8, 1985 - 9:30 a.m. - Open Meeting**
General Assembly Building, Capitol Square, House Room D, Richmond, Virginia. (Location accessible to handicapped.)

Briefing reports on Local Fiscal Stress, Virginia Housing and Development Authority.

Contact: Ray Pethel/Maryann Craven, General Assembly Bldg., Suite 1100, Richmond, Va. 23219, telephone (804) 786-1258

SUBAQUEOUS MINERALS AND MATERIALS STUDY COMMISSION

† **June 28, 1985 - 10 a.m. - Open Meeting**
General Assembly Building, Capitol Square, Senate Room A, Richmond, Virginia. (Location accessible to handicapped.)

The Commission will meet with representatives of the Virginia Marine Resources Commission and the Virginia Institute of Marine Science who will provide

Calendar of Events

them with background information and review studies related to the issues raised by SJR 104.

Contact: Michael D. Ward, Staff Attorney/Martin G. Farber, Research Associate, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

COMMISSION ON VETERANS' AFFAIRS

June 27, 1985 - 7:30 p.m. - Public Hearing
Albemarle County Offices, Meeting Room 7, Charlottesville, Virginia

A public hearing on matters affecting the welfare of Virginia's veterans and their dependents. Individual veterans, representatives of veterans organizations, and concerned persons are invited to solicit comments or suggestions for consideration by the Commission for transmittal to the 1986 Session of the General Assembly.

Contact: Jessica Bolecek, Staff Attorney, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

CHRONOLOGICAL LIST OPEN MEETINGS

June 24, 1985

Air Pollution Control Board, State
Barber Examiners, Board of
Coal and Energy Commission AND
Solid Waste Commission
Funeral Directors and Embalmers, Virginia Board of
Library Board, Virginia State
Water Control Board, State

June 25

Children's Facilities, Interdepartmental Committee
on Rate Setting for
Funeral Directors and Embalmers, Virginia Board of
Marine Resources Commission
Medical Assistance Services, Board of
Pharmacy, Board of
Real Estate Commission, Virginia
Water Control Board, State

June 26

Amusement Ride Safety
Joint Subcommittee
Athletic Commission, Virginia
Code Commission, Virginia
Funeral Directors and Embalmers, Virginia Board of
Health Services Cost Review Commission, Virginia
Mental Health and Mental Retardation Board, State
Mental Health and Mental Retardation, Department of
Better Beginnings for Virginia's Children

Pharmacy, Board of
Vocational Education, Virginia Council on

June 27

Architects, Professional Engineers, Land Surveyors,
and Certified Lanscaped Architects, State Board of
Code Commission, Virginia
Commerce, Virginia Board of
Funeral Directors and Embalmers, Virginia Board of
Mental Health and Mental Retardation, Virginia
Department of
Mental Health and Mental Retardation, Virginia
Department of
Task Force on the Mentally Ill in Virginia's Jails
Vocational Education, Virginia Council on

June 28

Accountancy, State Board of
Building Technical Review Board, State
Falls of the James Advisory Committee
Subaqueous Minerals and Materials Study Commission

June 29

Mental Health and Mental Retardation Board

July 1

Alcoholic Beverage Control Commission
Safety and Health Codes Commission, Virginia
College of William and Mary
Board of Visitors

July 2

Air Pollution Control Board, State
Contractors, State Board for
Real Estate Commission, Virginia
Resources Authority, Virginia
Board of Directors

July 3

Architects, Professional Engineers, Land Surveyors,
and Certified Landscaped Architects, State Board
of
Real Estate Commission, Virginia

July 8

Joint Legislative Audit and Review Commission

July 10

Contractors, State Board for
Corrections, Board of
Soil and Water Conservation Commission
Visually Handicapped, Board for the

July 11

Refugee Resettlement Advisory Council, Virginia

July 12

Water and Wastewater Works, State Board for
Certification of Operators of

Calendar of Events

July 15
Governor's Job Training Coordinating Council

July 16
Alcoholic Beverage Control Commission
Funeral Directors and Embalmers, Virginia Board of
Health Regulatory Boards, Commission of

July 17
Sewage Handling and Disposal Appeals
Review Board, State

July 18
Architects, Professional Engineers, Land Surveyors,
and Certified Landscape Architects, State Board of
Highways and Transportation Board,
Virginia Department of
Medicine, Virginia State Board of

July 19
Medicine, Virginia State Board of
Physical Therapy, Advisory Committee on

July 20
Medicine, Virginia State Board of

July 25
Dentistry, Virginia Board of

July 26
Dentistry, Virginia Board of

July 27
Dentistry, Virginia Board of

July 30
Alcoholic Beverage Control Commission

July 31
Optometry, Virginia Board of

August 1
Deinstitutionalization, Commission on
Optometry, Virginia Board of
State Board Examination & Diagnostic
Pharmaceutical Agent Examination

August 2
Deinstitutionalization, Commission on
General Services, Department of
Art and Architectural Review Board

August 6
Mental Health and Mental Retardation, Department of
Systemwide Training Workshop

August 13
Alcoholic Beverage Control Commission

August 14
Child Support, Governor's Commission on
Corrections, Board of

Sewage Handling and Disposal Appeals
Review Board, State

August 26
Agricultural Foundation, Virginia

August 27
Alcoholic Beverage Control Commission

September 10
Alcoholic Beverage Control Commission

September 24
Alcoholic Beverage Control Commission

PUBLIC HEARINGS

June 25, 1985
Mental Health and Mental Retardation, Department of

June 27
Veteran's Affairs, Commission on

June 28
Medical Assistance Services, Department of

July 9
Child Support, Governor's Commission on

July 10
Architects, Professional Engineers, Land Surveyors and
Certified Landscape Architects, State Board of
Highways and Transportation, Department of
Solid Waste Commission

July 11
Highways and Transportation, Virginia Department of

July 15
Aging, Virginia Department for the
Mines, Minerals and Energy, Department of

July 16
Aging, Virginia Department for the

July 17
Contractors, State Board for

July 18
Aging, Virginia Department for the
Child Support, Governor's Commission on

July 22
Child Support, Governor's Commission on

July 25
Governor's Regulatory Reform Advisory Board

Calendar of Events

July 29

Governor's Employment and Training Division

July 30

Child Support, Governor's Commission on

August 2

Labor and Industry, Department of

August 6

Agriculture and Consumer Services, Department

August 7

Agriculture and Consumer Services, Department

August 8

Taxation, Department of

August 23

Health, Department of

September 10

Governor's Regulatory Reform Advisory Board
Mental Health and Mental Retardation, Department of

September 11

Mental Health and Mental Retardation, Department of

September 12

Mental Health and Mental Retardation, Department of

September 13

Mental Health and Mental Retardation, Department of