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

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PROPOSED REGULATIONS

DEPARTMENT OF SOCIAL SERVICES


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

Public Hearing Date: N/A
(See Calendar of Events section for additional information)

Summary:
Under the provisions of Article 21 (§ 58.1-520 et seq.) of Chapter 3 of Title 58.1 (The Setoff Debt Collection Act) of the Code of Virginia, the Department of Social Services may intercept state income tax refunds to pay back a debt owed to the Commonwealth. Effective October 1, 1985, the department under the authority of 45 CFR 303.102 may choose to satisfy a debt owed for Public Assistance prior to satisfying additional support payments owed to a nonpublic assistance individual receiving support enforcement services. (This can happen when the individual has previously received public assistance and makes application for support enforcement services.)

Section 63.1-25 of the Code of Virginia provides the State Board of Social Services with the authority to make such rules and regulations as necessary to carry out the intent of the department's programs. The Department of Social Services, with the approval of the Board of Social Services, has elected to recoup the taxpayers money and thereby reimburse a debt owed to the state prior to satisfying any other overdue support payment. This proposed regulation states this intent and currently exists as an emergency regulation until October 1, 1986.


§ 1. Definitions.
The following words and terms, when used in this regulation shall have the following meaning, unless the context clearly indicates otherwise:

"Arrearage" means money owed for past due support.

"Debt" means the total unpaid support obligation owed to the Commonwealth for public assistance paid.

"Department" means State Department of Social Services.

"Setoff Debt Collection Act Process" means procedures established for applying state tax refunds toward any delinquent debt owed to the Commonwealth.

§ 2. Setoff Dept Collection.
Money the department receives through the Setoff Debt Collection Act Process Article 21 (§ 58.1-520 et seq.) of Chapter 3 of Title 58.1 of the Code of Virginia, for overdue support payments, shall satisfy a debt owed to the Commonwealth for public assistance paid before satisfying any other arrearage owed.

Title of Regulation: VR 615-70-2. Application Fee Scale.
Statutory Authority: § 63.1-25 of the Code of Virginia.

Public Hearing Date: N/A
(See Calendar of Events section for additional information)

Summary:
Effective October 1, 1985, § 63.1-250.2 of the Code of Virginia required the State Board of Social Services to establish a schedule of application fees for child-support enforcement services. This was in compliance with federal regulation 45 CFR 302.22 which was also effective October 1, 1985.

The Department of Social Services, with the approval of the Board of Social Services, proposes the application fee scale. The fee schedule ranges from $1 to $25 and is based on the applicant's income. The income levels listed on this scale are the ranges given in the U.S. Poverty Guidelines issued in March, 1985. By using these income levels and by not charging any more than $25, people with lower incomes should be better able to afford child-support enforcement services. This is the intent of the federal and state regulations.

VR 615-70-2. Application Fee Scale.

§ 1. Definitions.
The following words and terms, when used in this regulation shall have the following meaning, unless the context clearly indicates otherwise:

"Fee schedule" means the sliding scale by which an
Proposed Regulations

applicant is charged in order to receive child support enforcement services.

"Scale of application fees" means the fee schedule which is a sliding scale and charges are based on the applicant's income.

§ 2. Application fee scale.

The application fee scale for child support enforcement services is set forth in the following fee schedule:

<table>
<thead>
<tr>
<th>Gross Annual Income</th>
<th>Application Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to $5,250</td>
<td>$ 1.00</td>
</tr>
<tr>
<td>5,251 to 8,850</td>
<td>$ 5.00</td>
</tr>
<tr>
<td>8,851 to 12,450</td>
<td>$10.00</td>
</tr>
<tr>
<td>12,451 to 16,050</td>
<td>$20.00</td>
</tr>
<tr>
<td>Over $16,050</td>
<td>$25.00</td>
</tr>
</tbody>
</table>


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

Public Hearing Date: N/A
(See Calendar of Events section for additional information)

Summary:

Effective October 1, 1985, § 63.1-250.2 of the Code of Virginia required the Board of Social Services to establish a schedule of additional fees above the application fee to be charged for costs incurred in delivery of child support enforcement services.

The Department of Social Services, with the approval of the Board of Social Services, proposes to limit the charge for additional costs to HLA (Human Leukocyte Antigen) blood testing. This adheres to the intent of state and federal law in not discouraging those most in need from applying, while providing some relief to the taxpayers who otherwise would pay for the blood testing.


§ 1. Definitions.

The following words and terms, when used in this regulation, shall have the following meaning, unless the context clearly indicates otherwise:

"Separate charges" means any extra costs above the application fee for child support enforcement services.

"Child support enforcement services" means one or all of the following services: locating the absent parent, collecting support money, monitoring the payments, and enforcing a court or administrative order of support.

"HLA blood testing" means Human Leukocyte Antigen blood test. This is a specific type of blood test allowed by state law as admissible evidence in paternity suits.

"Responsible person" means any person obligated under Virginia law for the support of a dependent child and/or the caretaker or parent of such child.
DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Title of Regulation: VR 115-04-09. Rules and Regulations for the Enforcement of the Virginia Seed Law.

Statutory Authority: § 3.1-271 of the Code of Virginia.

Effective Date: June 25, 1986

Summary:

The amendments to the Virginia Seed Regulations were for clarification and simplicity as follows: (i) nontechnical changes were made to 73 rules to improve sentence structure and to add clarity and simplicity to the regulation; (ii) to insure uniformity, the spelling of 55 genus and species Latin names were corrected to be the same as listed in "Rules For Testing". Also, the common name of foxtail millet was changed to Italian millet to be the same as listed in "Rules for Testing"; (iii) four requirements stipulating the labeling format of lawn and turf seed mixtures under the headings of "Fine Textured Grasses", "Coarse Kinds" and "Other Ingredients" were deleted along with the list of those grasses classified as fine textured. Classifying lawn and turf seed as to texture is no longer a requirement of the Federal Seed Act or any other State Seed Law; (iv) to update the existing agricultural list, seven kind names were added; and (v) no changes were made to existing policy or operating procedures.


Regulation No. 1:

§ 1. Methods of inspecting, sampling, and testing, and the application tolerances.

Method of inspecting, sampling, and testing, and the application of tolerances shall be according to the Rules for Testing Seeds adopted by the "Association of Official Seed Analysts" except:

A. For those kinds of tree and shrub seed not included in the Rules for Testing Seeds, "Association of Official Seed Analysts", the testing procedure used shall be those recommended by the National Tree Seed Laboratory.

B. That tolerances are not allowed on prohibited noxious weed seeds.

C. Tolerance shall apply to flower and vegetable germination standards only as specified in Regulations §§ 9 and 11 of these regulations.

D. For seed peanuts the testing tolerance will be five on the minimum germination standard.

* Effective July 4, 1986, copies of which may be obtained from the commissioner upon request.

§ 2. Noxious weed seeds.

Noxious weed seeds as defined in the Law Virginia Seed Law, Article 4 (§ 3.1-262 et seq.) of Chapter 16 of Title 3.1 of the Code of Virginia are divided into two classes:

A. Prohibited noxious weed seeds are as follows:

- Balloonvine - "Cardiospermum halicacabum"
- Canada thistle - "Cirsium arvense"
- Field Bindweed - "Convolvulus arvensis"
- Johnson grass, Sorghum and, Sorghum almum, and hybrids derived therefrom - "Sorghum" spp. - Perennial
- Plumlees thistles, which includes Musk thistle, and Curled thistle - "Carduus" spp.
- Quackgrass - "Agropyron repens"
- Sicklepod - "Cassia tora"

B. Restricted noxious weed seeds are as follows:

1. Agricultural and vegetable seed containing such noxious weed seeds shall be prohibited from sale for seeding purposes (except as indicated below), if the number per ounce of such noxious weed seed found exceeds the limitation allowed for each. Such weed seeds and limitations shall be as follows:

<table>
<thead>
<tr>
<th>KIND</th>
<th>LIMITATION</th>
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</thead>
<tbody>
<tr>
<td>Wild onion bulbets and wild garlic</td>
<td>........ 5 per ounce or</td>
</tr>
</tbody>
</table>
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bulbets - *Allium* spp. .................. 80 per pound for.............................. 2 per ounce or 32 per pound for other kinds

*Dodder* - *Cuscuta* spp. .................. 4 per ounce or 64 per pound

*Common Bermudagrass* - *Cynodon* ...... 2 per ounce or 32 dactylon [ *var. dactylon* ] ............... per pound

*Giant Bermudagrass* - *Cynodon* [ *sp.*; dactylon *var. aridus* ]

(</s>limitation: 2 per ounce or 32 per pound, singly or collectively);

provided, however, that either may be sold as such, and when seed of one is present in seed of the other, both types shall be classified as agricultural seed.

Provided further, either may be sold in grass seed mixtures if it is claimed in the labeling as an ingredient.

*Wild mustard* - *Brassica* spp. .......... 5 per ounce or includes all species when ................................ 80 per pound

incidentally occurring in agricultural seed, provided that species listed in Regulations §§ 5 and 9 of the regulations may be sold as such when labeled as required.

*Giant foxtail* - *Setaria* taberi .............. 4 per ounce or 64 per pound

*Wild Radish* - *Raphanus* [ *raphanistrum* ] .. 1 per ounce or .................. 16 per pound

*Annual bluegrass* - *Poa annua* .......... 16 per ounce or ........................................ 256 per pound

§ 4. Labeling treated seed.

A. Contents of label.

All seed treated as defined by § 3.1-263 (28) of the Code of Virginia, the Virginia Seed Law, shall be labeled in type no smaller than eight points to indicate that such seed has been treated and to show the name of any substance or a description of any process (other than application of a substance) used to treat such seed, for example:

Treated with ... (Name of substance or process)...

or ... (Name of substance or process) ... treated.

If the substance used in such treatment in the amount remaining with the seed is harmful to humans or other vertebrate animals, the seed shall also bear a label containing statements as specified by subsections C and D below. The label shall contain the required information in any form that is clearly legible and complies with this regulation. The information may be on the analysis tag, on a separate tag, or printed on the container in a conspicuous manner.

B. Name of substance.

The name of any substance as required by paragraph subsection A of this section shall be commonly accepted coined, chemical (generic), or abbreviated chemical name. Commonly accepted coined names are not private trademarks and are free for use by the public and are commonly recognized as names of particular substances such as thiram, captan, lindane, and dichlone. Examples of commonly accepted chemical (generic) names are: bluestone, calcium carbonate, cuprous oxide, zinc hydroxide, hexachlorobenzene and ethyl mercury acetate. The terms “mercury” or “mercurial” may be used to represent all types of mercurial compounds. Examples of commonly accepted abbreviated chemical names are: BHC (1,2,3,4,5,6,-Hexachloroclohexane) and DDT (dichlorodiphenyl trichloroethane)

C. Mercurials and similarly toxic substance.

1. Seeds treated with a mercurial or similarly toxic substance, if any amount whatsoever remains with the seed, shall be labeled to show a representation of a skull and crossbones at least twice the size of the type used for information required to be on the label under paragraph subsection A and shall also include in red letters on a background of distinctly contrasting color a statement substantially as follows: “Treated with Poison”, “Poison Treated”, or “Poison”. Such treatment shall appear in type no smaller than eight points.

2. Substances similarly toxic to mercurials include the following: Aldrin (technical), Demeton, Dieldrin, Endrin, Heptachlor, O, O-diethyl S-(ethylthiomethyl) phosphorodithiolate and O, O-diethyl S-2 (ethylthio)
ethyl phosphorodithiolate. Any amount of such substances remaining with the seed shall be considered harmful to humans and other vertebrate animals.

D. Other harmful substances.

If any substance, other than one which would be classified as a mercurial or similarly toxic substance under paragraph subsection C, is used in the treatment of seed; the amount remaining with the seed is considered harmful to humans or other vertebrate animals unless the seed is in containers of four ounces or less. Seed treated with such substances shall be labeled with an appropriate caution statement in type no smaller than eight points worded substantially as follows: "Do not use for food", "Do not use for feed", or "Do not use for food, feed, or oil purposes". This paragraph subsection applies to all chemical substances not within paragraph subsection C except that the following substances shall not be deemed harmful when present at a rate less than the number of parts per million indicated:

- Allethrin - 2 p.p.m.
- Malathion - 8 p.p.m.
- Methoxychlor - 8 p.p.m.
- Pyrethrol - 20 p.p.m. except 8 p.p.m. on Oat and Sorghum.
- Pyrethroids - 3 p.p.m. except 1 p.p.m. on Oat and Sorghum.

E. Weight of treatment substance.

When the weight of treatment substances added exceed 1.0 percent of the net weight of seed, the rate of treatment must be given on the analysis tag.

Regulation No. 6:

§ 5. Agricultural seeds.

A. Agricultural seeds are the seed of the following:

<table>
<thead>
<tr>
<th>Alfalfa</th>
<th>Medicago sativa</th>
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</thead>
<tbody>
<tr>
<td>Barley</td>
<td>Hordeum vulgare</td>
</tr>
<tr>
<td>Beet, sugar</td>
<td>Beta vulgaris</td>
</tr>
<tr>
<td>Bentgrass or:</td>
<td></td>
</tr>
<tr>
<td>Bentgrass, colonial</td>
<td>Agrostis tenus</td>
</tr>
<tr>
<td>Bentgrass, creeping</td>
<td>Agrostis [ stolonifera var. ] palustris</td>
</tr>
<tr>
<td>Bentgrass, velvet</td>
<td>Agrostis canina</td>
</tr>
<tr>
<td>Bermudagrass - Except as specified in Regulation No. 2 §</td>
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</tr>
</tbody>
</table>

2. of these regulations .

Common - Cynodon dactylon [ var. dactylon ]
Giant - Cynodon [ sp. dactylon var. avidus ]

Bluegrass:

- Canada - Poa compressa
- Kentucky - Poa pratensis
- Rough - Poa trivialis
- Wood - Poa nemoralis

Brome, smooth - Bromus inermis

Broomcorn - Sorghum [ vulgare var. technicum bicolor ]

Buckwheat - Fagopyrum esculentum

Canygrass, reed - Phalaris arundinacea

Carpetgrass - Axonopus affinis

Clover:

- Alsike - Trifolium hybridum
- Crimson - Trifolium incarnatum
- Red - Trifolium pratense
- Sweet - (See Sweet Clover)
- White - Trifolium repens including the var. Ladino

Corn:

- Field - Zea mays
- Pop - Zea mays var. everta

Cotton - Gossypium spp.

Cowpea - Vigna [ sinensis unguiculata subsp. unguiculata ]

Crambe - Crambe abyssinica

Crownvetch - Coronilla varia

Dallisgrass - Paspalum dilatatum

Fescue:

- Chewings - Festuca rubra var. commutata
- Hard - Festuca trachyphylla
- Meadow - Festuca [ eletior pratensis ]
- Red - Festuca rubra [ subsp. rubra ]
- Sheep - Festuca ovina
- Tall - Festuca arundinacea

[ Field Pea - Pisum sativum var. arvense ]

Lespedeza:

- Bicolor - Lespedeza bicolor
- Korean - Lespedeza stipulacea
- Serica - Lespedeza cuneata
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Striate - Lespedeza striata
Millet, browntop - [ Panicum miliaceum Brachiaria ramosa ]
Millet, [ Foxtail Italian ] - Setaria italica
Millet, Japanese - Echinochloa crus-galli var. frumentacea
Millet, pearl - Pennisetum [ glaucum americanum ]
Millet, proso - Panicum miliaceum
Oat - Avena spp.
Oatgrass, tall - Arrhenatherum elatius
Orchardgrass - Dactylis glomerata
[ Pea, field - Pisum sativum var. arvense ]
Peanut - Arachis hypogaea
Rape, winter - Brassica napus var. biennis
Redtop - Agrostis [ aibe gigantea ]
Rye - Secale cereale
Rye grass, annual or Italian - Lolium multiflorum
Rye grass, intermediate - Lolium X hybridum
Rye grass, perennial - Lolium perenne
Sorghum, grain and sweet - Sorghum [ vulgare bicolor ]
Sorghum, Sudan grass hybrid - [ & vulgare X sudanense Sorghum bicolor X Sorghum sudanense ]
Soybeans - Glycine max
Sudangrass - Sorghum sudanense
Sunflower - Helianthus annuus
Sweet Clover:
White - Melilotus alba
Yellow - Melilotus officinalis
Timothy - Phleum pratense
Tobacco - Nicotiana tabacum
Trefoil, Birdsfoot - Lotus corniculatus
Triticale - Triticosecale
Vetch, hairy - Vicia vilosa subsp. vilosa
Wheat - Triticum aestivum

B. Kinds not listed under subsection A:

Any kind of seed not listed under subsection A above or in Regulation No. 6 of these regulations when present incidentally in seed samples of the kinds so listed shall be considered to be a weed seed unless such kind is classified solely as a crop seed by the Association of Official Seed Analysts in its handbook “Uniform Classification of Weed and Crop Seeds”.

Regulation No. 6:

§ 6. Weed seeds.

As provided by § 3.1-285 (a) (6) of the Code of Virginia, agricultural seed of the following kinds may contain weed seeds not to exceed the following limitations:

A. Korean Lespedeza - Lespedeza stipulacea .................1.50%
B. Orchardgrass - Dactylis glomerata (Hulled) ..........1.50%
C. Oatgrass, tall - Arrhenatherum elatius .................1.50%
D. Redtop - Agrostis [ aibe gigantea ] ..............1.50%

Regulation No. 7:


As provided by § 3.1-264, subsections B paragraph (12) (b) and I (10) (b) of the Code of Virginia, any Virginia seed dealer may request from the commissioner a code designation to be used in lieu of his name and address for use on seed labeled for Intrastate shipment provided, however, such shipments must be labeled to show the name and address of the consignee. Such designation will bear the prefix VDA followed by an appropriate assigned number; however, a bona fide AMS (C&MS) number may be used in lieu of the VDA code designation provided it is recorded with the commissioner by the seed dealer.

Regulation No. 8:

§ 8. Controlled conditions.

Controlled conditions are those minimum field standards for certification last established by the State Certified Seed Commission as authorized under Article 2, Chapter 16, Title 3.1, of the Code of Virginia.

Regulation No. 9:

§ 9. Vegetable seeds and minimum germination standards.

A. Vegetable seeds are the seeds of the following, and the germination standards are as indicated:

<table>
<thead>
<tr>
<th>Kind</th>
<th>Germination Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>White - Melilotus alba</td>
<td></td>
</tr>
<tr>
<td>Yellow - Melilotus officinalis</td>
<td></td>
</tr>
<tr>
<td>Timothy - Phleum pratense</td>
<td></td>
</tr>
<tr>
<td>Tobacco - Nicotiana tabacum</td>
<td></td>
</tr>
<tr>
<td>Trefoil, Birdsfoot - Lotus corniculatus</td>
<td></td>
</tr>
<tr>
<td>Triticale - Triticosecale</td>
<td></td>
</tr>
<tr>
<td>Vetch, hairy - Vicia vilosa subsp. vilosa</td>
<td></td>
</tr>
<tr>
<td>Wheat - Triticum aestivum</td>
<td></td>
</tr>
</tbody>
</table>

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<table>
<thead>
<tr>
<th>Crop</th>
<th>Common Name</th>
<th>Seed No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Asparagus</td>
<td>Asparagus officinalis</td>
<td>70</td>
</tr>
<tr>
<td>Beans, garden</td>
<td>Phaseolus vulgaris</td>
<td>70</td>
</tr>
<tr>
<td>Bean garden</td>
<td>Phaseolus vulgaris</td>
<td>70</td>
</tr>
<tr>
<td>Bean lima</td>
<td>Phaseolus lunatus var. macrocarpus</td>
<td>70</td>
</tr>
<tr>
<td>Beet</td>
<td>Beta vulgaris</td>
<td>65</td>
</tr>
<tr>
<td>Broccoli</td>
<td>Brassica oleracea var. botrytis</td>
<td>75</td>
</tr>
<tr>
<td>Brussels sprouts</td>
<td>Brassica oleracea var. gemmifera</td>
<td>70</td>
</tr>
<tr>
<td>Cabbage</td>
<td>Brassica oleracea var. capitata</td>
<td>75</td>
</tr>
<tr>
<td>Carrot</td>
<td>Daucus carota</td>
<td>55</td>
</tr>
<tr>
<td>Cauliflower</td>
<td>Brassica oleracea var. botrytis</td>
<td>75</td>
</tr>
<tr>
<td>Celeriac</td>
<td>Aplium graveolens var. rapaceum</td>
<td>55</td>
</tr>
<tr>
<td>Celery</td>
<td>Aplium graveolens var. dulce</td>
<td>55</td>
</tr>
<tr>
<td>Cilantro</td>
<td>Cichorium intybus</td>
<td>65</td>
</tr>
<tr>
<td>Cilantro</td>
<td>Citrullus lanatus var. citroides</td>
<td>65</td>
</tr>
<tr>
<td>Collards</td>
<td>Brassica oleracea var. acephala</td>
<td>80</td>
</tr>
<tr>
<td>Corn, garden</td>
<td>Zea mays</td>
<td>75</td>
</tr>
<tr>
<td>Cornsalad</td>
<td>Valerianella locusta</td>
<td>70</td>
</tr>
<tr>
<td>Cowpea</td>
<td>Vigna unguiculata subsp. unguiculata</td>
<td>75</td>
</tr>
<tr>
<td>Cress, garden</td>
<td>Lepidium sativum</td>
<td>75</td>
</tr>
<tr>
<td>Cress, upland</td>
<td>Barbarea verna</td>
<td>60</td>
</tr>
<tr>
<td>Cress, water</td>
<td>Rorippa nasturtium-aquaticum Nasturtium officinale</td>
<td>40</td>
</tr>
<tr>
<td>Cucumber</td>
<td>Cucumis sativus</td>
<td>80</td>
</tr>
<tr>
<td>Eggplant</td>
<td>Solanum melongena</td>
<td>60</td>
</tr>
<tr>
<td>Endive</td>
<td>Cichorium endivia</td>
<td>70</td>
</tr>
<tr>
<td>Kale</td>
<td>Brassica spp.</td>
<td>75</td>
</tr>
<tr>
<td>Kohlrabi</td>
<td>Brassica oleracea var. gongylodes</td>
<td>75</td>
</tr>
<tr>
<td>Leek</td>
<td>Allium porrum</td>
<td>60</td>
</tr>
<tr>
<td>Lettuce</td>
<td>Lactuca sativa</td>
<td>80</td>
</tr>
<tr>
<td>Muskmelon (Cantaloupe)</td>
<td>Cucumis melo</td>
<td>75</td>
</tr>
<tr>
<td>Mustard</td>
<td>Brassica juncea</td>
<td>75</td>
</tr>
<tr>
<td>Mustard, spinach</td>
<td>Brassica perviridis</td>
<td>75</td>
</tr>
<tr>
<td>Okra</td>
<td>Hibiscus Abelmoschus esculentus</td>
<td>50</td>
</tr>
<tr>
<td>Onion</td>
<td>Allium cepa</td>
<td>70</td>
</tr>
<tr>
<td>Parsley</td>
<td>Petroselinum crispum</td>
<td>60</td>
</tr>
<tr>
<td>Parsnip</td>
<td>Pastinaca sativa</td>
<td>60</td>
</tr>
<tr>
<td>Peas, garden</td>
<td>Pisum sativum</td>
<td>80</td>
</tr>
<tr>
<td>Pepper</td>
<td>Capsicum spp.</td>
<td>55</td>
</tr>
<tr>
<td>Pe-tsai or Chinese cabbage</td>
<td>Brassica pekinensis</td>
<td>75</td>
</tr>
<tr>
<td>Pumpkin</td>
<td>Cucurbita pepo</td>
<td>75</td>
</tr>
<tr>
<td>Radish</td>
<td>Raphanus sativus</td>
<td>75</td>
</tr>
<tr>
<td>Rhubarb</td>
<td>Rheum rhaponticum</td>
<td>60</td>
</tr>
<tr>
<td>Rhutabaga</td>
<td>Brassica napus var. napobrassica</td>
<td>75</td>
</tr>
<tr>
<td>Salsify</td>
<td>Tragacantha porrifolius</td>
<td>75</td>
</tr>
<tr>
<td>Spinach (except New Zealand)</td>
<td>Spinacia oleracea</td>
<td>60</td>
</tr>
<tr>
<td>Spinach, New Zealand</td>
<td>Tetragonia</td>
<td>40</td>
</tr>
<tr>
<td>Squash</td>
<td>Cucurbita pepo</td>
<td>75</td>
</tr>
<tr>
<td>Swiss chard</td>
<td>Beta vulgaris var. cicla</td>
<td>65</td>
</tr>
<tr>
<td>Tomato</td>
<td>Lycopersicon esculentum</td>
<td>75</td>
</tr>
<tr>
<td>Turnip</td>
<td>Brassica rapa</td>
<td>80</td>
</tr>
<tr>
<td>Watermelon</td>
<td>Citrullus vulgaris lanatus</td>
<td>70</td>
</tr>
</tbody>
</table>

B. Testing tolerances shall not be applied unless the percentage of germination is shown on the seed package or label attached to the seed container. If no germination percentage is shown on the label, the seed must meet...
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minimum standards without benefit of tolerance.

Regulation No. 10: Labeling of Lawn Seed Mixtures:

A. When labeling lawn and turf seed mixtures with the headings “Fine Textured Grasses” and “Coarse Kinds” as provided by Section 3.1-264 (1) (1), the format demonstrated by the following example shall be used:

Grass Seed Mixture Lot C-40M

Fine Textured Grasses: ....................... Germination

11.40% Merion Kentucky Bluegrass ............... 75%
10.25% Creeping Red Fescue ............... 85%
13.15% Kentucky Bluegrass ............... 80%
14.10% Chewings Fescue ............... 85%

Coarse Kinds:

6.52% Redtop ....................... 85%

....................... Tested August 1996

Other Ingredients:

1.60% Other Crop Seed
2.67% Inert Matter
6.90% Weed Seeds

Packed by Acme Products; Inc. Alleyleak, Va.

NET WEIGHT 5 POUNDS

B. When so labeled, the following may be claimed as fine textured. All other kinds claimed must be listed as coarse kinds:

Colonial Bentgrass (Agrostis tenuis); Creeping Bentgrass (Agrostis stolonifera); Canada Bluegrass (Poa compressa); Kentucky Bluegrass (Poa pratensis); Rough Bluegrass (Poa trivialis); Wood Bluegrass (Poa nemoralis); Chewings Fescue (Festuca rubra var. commutata); Red Fescue (Festuca rubra); and Sheep Fescue (Festuca ovina).

Regulation No. 11:

§ 10. Origin.

Origin as required by § 3.1-264 (B) (4) of this Law the Code of Virginia shall not apply to seed in lawn or turf grass mixtures in prepakcaged containers of fifty pounds or less; however, the formulator of such mixtures shall maintain origin records as required by § 3.1-266 of the Code of Virginia.

Regulation No. 12:

§ 11. Flower seed and minimum germination standards.

A. The kinds of flower seeds listed below are those for which standard testing procedures have been prescribed and which are, therefore, required to be labeled in accordance with the germination labeling provisions of § 3.1-263 and § 3.1-264 of the Virginia Seed Law Code of Virginia. The percentage listed opposite each kind is the germination standard for that kind. For the kinds marked with an asterisk, this percentage is the total of percentage germination and percentage hard seed. For other kinds, it is the percentage germination.

- Ageratum - Ageratum [ mexicanum houstonianum ] ........ 60
- Anemone - Anemone coronaria, A. pulsatilla ........ 55
- Angel trumpet - [ Datura arborea Brugmansia arborea ] 60
- Arabis - Arabis alpina ........ 60
- Aster, China - Callistephus chinensis except Pompon, Powderpuff, and Princess types ........ 55
- Aster, China - Callistephus chinensis, Pompon, Powderpuff and Princess types ........ 50
- Aubrieta - Aubrieta deltoides ........ 45
- Balsam - Impatiens balsamina ........ 70
- Calendula - Calendula officinalis ........ 65
- California poppy - Eschscholtzia californica ........ 60
- Calliopsis - Coreopsis [ bicolor; G. drummondi; G. elegans C. Basalis ] ........ 65
- Campanula: Canterbury bells - Campanula medium ........ 60
- Cup and Saucer bellflower - Campanula medium calycantha ........ 60
- Carpathian bellflower - Campanula carpatica ........ 50
- Peach bellflower - Campanula persicifolia ........ 50
- Candytuft, annual - Iberis amara, I. umbellata ........ 65
- Candytuft, perennial - Iberis gibraltarica, I. sempervirens ........ 55
- Castor bean - Ricinus communis ........ 60

*Castor bean - Ricinus communis

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<table>
<thead>
<tr>
<th>Plant Name</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cathedral bells</td>
<td>65</td>
</tr>
<tr>
<td>Celosia - <em>Celosia argentea</em></td>
<td>65</td>
</tr>
<tr>
<td><em>Centaurea</em>, basket flower</td>
<td>65</td>
</tr>
<tr>
<td>Cornflower - <em>Centaurea Americana</em>, <em>C. cyanus</em>, dusty miller - <em>C. candidissima, cineraria</em> royal <em>Centaurea</em> - <em>C. imperialis</em>, sweet <em>Centaurea</em> - <em>Amberboa</em> moschata, Velvet <em>Centaurea</em> - <em>C. gymnocarpa</em></td>
<td>65</td>
</tr>
<tr>
<td>Chinese forget-me-not - <em>Cynoglossum amabile</em></td>
<td>55</td>
</tr>
<tr>
<td><em>Chrysanthemum</em>, annual - <em>Chrysanthemum carinatum</em>, <em>C. coronarium</em>, <em>C. segetum</em></td>
<td>40</td>
</tr>
<tr>
<td><em>Clarkia</em> [ elegans unguiculata ]</td>
<td>65</td>
</tr>
<tr>
<td><em>Cleome</em> [ gigantea hassleriara ]</td>
<td>65</td>
</tr>
<tr>
<td><em>Columbine</em> - <em>Aquilegia</em> spp.</td>
<td>50</td>
</tr>
<tr>
<td><em>Coral bell</em> - <em>Heuchera sanguinea</em></td>
<td>55</td>
</tr>
<tr>
<td><em>Coreopsis</em>, perennial - <em>Coreopsis lanceolata</em></td>
<td>40</td>
</tr>
<tr>
<td><em>Cosmos</em>, Sensation, Mammoth and Crested type - <em>Cosmos bipinnatus</em>; Klondyke type - <em>C. sulphureus</em></td>
<td>65</td>
</tr>
<tr>
<td><em>Dahlia</em> - <em>Dahlia</em> spp.</td>
<td>55</td>
</tr>
<tr>
<td>Delphinium: [ perennial; <em>Belladonna</em> and <em>Bellamosum</em> types; ] <em>cardinal larkspur</em>, [ perennial delphinium ] - <em>Delphinium cardinale</em> Pacific giant, gold metal and other hybrids, [ belladonna, bellamosum types ] <em>Chinensis</em> types of <em>D. elatum</em></td>
<td>55</td>
</tr>
<tr>
<td><em>Dianthus</em>:</td>
<td></td>
</tr>
<tr>
<td><em>Carnation</em> - <em>Dianthus caryophyllus</em></td>
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</tr>
<tr>
<td><em>China pinks</em> - <em>Dianthus Chinensis</em>, <em>Heddeiwilt</em>, <em>Heddenis</em></td>
<td>70</td>
</tr>
<tr>
<td><em>Grass pinks</em> - <em>Dianthus plumarius</em></td>
<td>60</td>
</tr>
<tr>
<td><em>Maiden pinks</em> - <em>Dianthus deltoides</em></td>
<td>60</td>
</tr>
<tr>
<td><em>Sweet William</em> - <em>Dianthus barbatus</em></td>
<td>70</td>
</tr>
<tr>
<td><em>Sweet williesfield</em> - <em>Dianthus [ X ] allwoodi</em></td>
<td>60</td>
</tr>
<tr>
<td><em>Dracena</em> - [ <em>Draenea indivisa</em> <em>Cordyline australis</em> ]</td>
<td>55</td>
</tr>
<tr>
<td><em>English daisy</em> - <em>Bellis perennis</em></td>
<td>55</td>
</tr>
<tr>
<td><em>Foxglove</em> - <em>Digitalis</em> spp.</td>
<td>60</td>
</tr>
<tr>
<td><em>Gaillardia</em>, annual - <em>Gaillardia pulchella</em>, [ G. var. ] picta; perennial - <em>G. grandiflora aristata</em></td>
<td>45</td>
</tr>
<tr>
<td><em>Geum</em> - <em>Geum</em> spp.</td>
<td>55</td>
</tr>
<tr>
<td><em>Gilia</em> - <em>Gilia</em> spp.</td>
<td>65</td>
</tr>
<tr>
<td>Godetia - [ <em>Godetia Clarkia var. concinna</em> amoena, [ G. Grandiflora ] ]</td>
<td>65</td>
</tr>
<tr>
<td>Gourds: [ Yellow flowered - ] <em>Cucurbita</em> [ pepo spp. ]; [ White-flowered ] <em>Lagenaria</em> [ spp. <em>siceraria</em>; <em>Dioscorea</em> - <em>Luffa</em> <em>cylindrica</em> ]</td>
<td>70</td>
</tr>
<tr>
<td><em>Gypsophila</em>, annual baby's breath - <em>Gypsophila elegans</em>; perennial baby's breath - <em>G. paniculata</em>, <em>G. pacifica</em>, <em>G. repens</em></td>
<td>70</td>
</tr>
<tr>
<td><em>Helichrysum</em> - <em>Helichrysum</em> [ mensuratum breacteatum ]</td>
<td>60</td>
</tr>
<tr>
<td><em>Hollyhock</em> - [ <em>Althea</em> <em>Alcea</em> ] <em>rosea</em></td>
<td>65</td>
</tr>
<tr>
<td>Job's tears - <em>Coix lacryma-jobi</em></td>
<td>70</td>
</tr>
<tr>
<td><em>Kochia</em> - <em>Kochia</em> [ chilensis scaparia trichophylla ]</td>
<td>55</td>
</tr>
<tr>
<td>Larkspur, annual - [ <em>Delphinium ajacae</em> <em>Consolida ambigua</em> ]</td>
<td>60</td>
</tr>
<tr>
<td><em>Lantana</em> - <em>Lantana camera</em> [ ; L <em>hybrida</em> ]</td>
<td>35</td>
</tr>
<tr>
<td><em>Linaria</em> - <em>Linaria</em> spp.</td>
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<tr>
<td><em>Lobelia</em>, annual - <em>Lobelia erinus</em></td>
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</tr>
<tr>
<td><em>Lunaria</em>, annual - <em>Lunaria annua</em></td>
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</tr>
<tr>
<td><em>Lupine</em> - <em>Lupinus</em> spp.</td>
<td>65</td>
</tr>
<tr>
<td><em>Marigold</em> - <em>Tagetes</em> spp.</td>
<td>65</td>
</tr>
<tr>
<td><em>Marvel of Peru</em> - <em>Mirabilis</em> <em>jalapa</em></td>
<td>60</td>
</tr>
<tr>
<td>Mignonette - <em>Reseda</em> <em>odorata</em></td>
<td>55</td>
</tr>
<tr>
<td><em>Myosotis</em> - <em>Myosotis</em> <em>alpestris</em>, <em>M. oblongata</em>, <em>M. pulasratis</em> [ <em>M. scorpioides</em> ]</td>
<td>50</td>
</tr>
<tr>
<td><em>Nasturtium</em> - <em>Tropaeolum</em> spp.</td>
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</tr>
<tr>
<td><em>Nemesia</em> - <em>Nemesia</em> spp.</td>
<td>65</td>
</tr>
<tr>
<td><em>Nemophila</em> - <em>Nemophila</em> [ menziesil subsp. ] <em>insignis</em></td>
<td>70</td>
</tr>
<tr>
<td><em>Nicotiana</em> - <em>Nicotiana</em> [ affinis; N. <em>sanderae</em>, <em>N. sylvesteria alata</em>, <em>N. X sanderae</em> ]</td>
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</tr>
<tr>
<td><em>Nierembergia</em> - <em>Nierembergia</em> spp.</td>
<td>55</td>
</tr>
<tr>
<td><em>Nigella</em> - <em>Nigella</em> <em>damascena</em></td>
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</tr>
<tr>
<td><em>Pansy</em> - <em>Viola</em> <em>tricolor</em></td>
<td>60</td>
</tr>
<tr>
<td><em>Penstemon</em> - <em>Penstemon</em> <em>barbatus</em>, <em>P. grandiflorus</em>, <em>P. laevigatus</em>, <em>P. puppeoens hirsutus</em></td>
<td>60</td>
</tr>
</tbody>
</table>


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Petunia - Petunia spp. .............................................. 45
Phacelia - Phacelia campanularis, P. minor, P. tanacetifolia ............... 85
Phlox, annual - Phlox drummondii all types and varieties .................. 55
Physalis - Physalis spp. ........................................... 60
Poppy: shirley poppy - Papaver rhoeas; Iceland poppy - P. nudicaule; oriental poppy - P. orientale; tulip poppy - P. glaucum .......... 60
Portulaca - Portulaca grandiflora .................................. 55
Salpiglossis - Salpiglossis [ sinuata ] Gloxiniaeflora, S. [ sinuata salpiglossis ] ........................................... 60
Salvia - Scarlet Sage - Salvia splendens; mealycup sage (blue bedder) - S. farinacea ........................................... 50
Saponaria - Saponaria ocymoides, S. Vaccaria [ Pyramidata ] ................. 60
Scabiosa, annual - Scabiosa atropurpurea ................................ 50
Scabiosa, perennial - Scabiosa caucasia ................................ 40
Schizanthus - Schizanthus spp. ....................................... 60
Shasta Daisy - Chrysanthemum maximum, C. leucanthemum .................. 65
Snapdragon - Antirrhinum spp. ....................................... 55
Solanum - Solanum spp. ............................................. 60
Stocks: Common-Matthiola Incana; Evening Scented - Matthiola [ longipetala subsp.] bicornis ........................................... 65
Sunflower - Helianthus spp. .......................................... 65
*Sweet pea, annual and perennial other than dwarf bush - Lathyrus odoratus, L. latifolius ............................................... 75
*Sweet pea, dwarf bush - Lathyrus odoratus ................................ 65
Thunbergia - Thunbergia alata ........................................ 60
Torch flower - Tithonia [ speciosa rotundifolia ] .......................... 70
Tritoma - Kniphofia spp. .............................................. 65
Verbena, annual - Verbena hybrida .................................... 35
Vinca - [ Vinea rosea Catharanthus roseus ] ................................ 60
Viola - Viola cornuta .................................................. 55
Wallflower - Cheiranthus [ eileen cheiri ] ................................ 65

Zinnia [ (except linearis and ecvepe) - Zinnia linearis; Salvitalia preeumbena Zinnia angustifolia, Z. elegans, Z. grandiflora, Z. acerosa, Z. peruviana ] ......................... 50

B. Testing tolerances shall not be applied unless the percentage of germination is shown on the seed package or label attached to the seed container. If no germination percentage is shown on the label, the seed must meet the minimum standards without benefit of tolerance.

Regulation No. 12:

§ 12. Labeling of flower seed.

Flower seeds shall be labeled with the name of the kind and variety or a statement of type and performance characteristics as prescribed by § 3.1-264 (F) and (G) of the Code of Virginia.

A. For seeds of plants grown primarily for their blooms:

1. Seeds of a single name variety shall be labeled to show the kind and variety name. For example - "Marigold, Butterball".

2. Seeds of a single type and color for which there is no special variety name shall be labeled to show either the type of plant or the type and color of bloom. For example - "Scabiosa, Tall, Large Flowered, Double, Pink".

3. Seeds consisting of an assortment or mixture of colors or varieties of a single kind, the kind name, the type of plant, and the type or types of bloom shall be indicated. In addition, it shall be clearly indicated that the seed is mixed or assorted. An example of labeling such a mixture or assortment is - "Marigold, Dwarf Double French, Mixed Colors".

4. Seeds consisting of an assortment or mixture of kinds, shall clearly indicate that the seed is assorted or mixed and the specific use of the assortment or mixture shall be indicated. For example - "Cut Flower Mixture", or "Rock Garden Mixture". Such statements as "Wild Flower Mixture", "General Purpose Mixture", "Wonder Mixture", or any other statement which fails to indicate the specific use of the seed shall not meet the requirements of this provision unless the specific use of the mixture is also stated.

B. Seeds of plants grown for ornamental purposes other than their blooms shall be labeled to show the kind and variety, or the kind together with a descriptive statement concerning the ornamental part of the plant. For example - "Ornamental Gourds, Small Fruited, Mixed".

Regulation No. 14:

§ 13. Application of germination standards to mixture of kinds of flower seed.
A mixture of kinds of flower seeds will be considered to be below standard if the germination of any kind or combination of kinds constituting 25 percent or more of the mixture by number is below standard for the kind or kinds involved.

Regulation No. 16:
§ 14. Tree and shrub seeds.
Tree and shrub seeds are seeds of the following:
Abies balsamea (L.) Mill. - Balsam Fir
Abies fraseri (Pursh.) Poir. - Fraser Fir
Acer rubrum L. - Red Maple
Acer saccharum Marsh. - Sugar Maple
Aesculus glabra - Ohio Buckeye
Aesculus octandra - Sweet Buckeye
Allanthus altissima (Mill.) Swingle - Tree of Heaven, Allanthus
Amelanchier canadensis - Service Berry
Betula lenta L. - Sweet Birch
Betula alleghaniensis Britton - Yellow Birch
Betula nigra L. - River Birch
Carya tomentosa - Mockernut Hickory
Carya glabra - Pignut Hickory
Carya ovata - Shagbark Hickory
Carya laciniosa - Shellbark Hickory
Castanea dentata - American Chestnut
Catalpa bignonioides Walt. - Southern Catalpa
Cedrus deodara (Roxb.) Loud. - Deodar Cedar
Cedrus libani Loud. - Cedar of Lebanon
Celtis occidentalis - Hackberry
Chamaecyparis thyoides - Southern White Cedar or Atlantic White Cedar
Cornus florida - Flowering Dogwood
Diospyros virginiana - Persimmon
Fagus grandifolia - American Beech

Fraxinus americana - White Ash
Fraxinus pennsylvania Marsh. - Green Ash
Fraxinus pennsylvania var. lanceolata (Borkh.) Sarg. Green Ash
Gleditsia triacanthos L. - Honey Locust
Ilex opaca - American Holly
Juglans cinerea - Butternut
Juglans nigra - Black Walnut
Juniperus virginiana - Eastern Red Cedar
Larix decidua Mill. - European Larch
Larix (leptolepis (Sieb. & Zucc.) Gerdr.) - Japanese Larch
Liquidambar styraciflua L. - Sweetgum
Liriodendron tulipifera - Yellow Poplar
Magnolia acuminata - Cucumber
Malus spp. - Apple
Malus spp. - Crabapple
Machura pomifera - Osage Orange
Morus rubra - Red Mulberry
Nyssa aquatica - Tupelo Gum
Nyssa sylvatica var. sylvativa - Black Gum
Nyssa sylvatica var. biflora - Swamp Black Gum
Picea abies (L.) Karst. - Norway Spruce
Picea glauca (Moench.) Voss - White Spruce
Picea pungens Engelm. - Blue Spruce, Colorado Spruce
Picea pungens var. glauca Reg. - Colorado Blue Spruce
Picea rubens Sarg. - Red Spruce
Pinus banksiana Lamb. - Jack Pine
Pinus densiflora Sieb. & Zucc. - Japanese Red Pine
Pinus echinata Mill. - Shortleaf Pine
Pinus elliottii Engelm. - Slash Pine
Pinus muco Turra. - Mountain Pine

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Pinus nigra Arnold - Austrian Pine

Pinus nigra [ var. ] Poiretiana (Ant.) Aschers & Graebn. - Corsican Pine

Pinus palustris Mill. - Longleaf Pine

Pinus resinosa Alt. - Red pine, Norway Pine

Pinus rigida Mill. - Pitch Pine

Pinus serotina - Pond Pine

Pinus strobus L. - Eastern White Pine

Pinus sylvestris L. - Scotch Pine

Pinus taeda L. - Loblolly Pine

Pinus thunbergii Parl. - Japanese Black Pine

Pinus virginiana Mill. - Virginia Pine, Scrub Pine

Platanus occidentalis - Sycamore

Populus balsamifera - Eastern Cotton Wood

Populus tremuloides - Quaking Aspen

Prunus avium (L.) - Cherry

Prunus serotina - Black Cherry

Pseudotsuga menziesii var. glauca (Beissn.) Franco - Blue Douglas Fir

Pseudotsuga menziesii var. caesia (Beissn.) Franco - Gray Douglas Fir

Pseudotsuga menziesii var. [ viridis menziesii ] - Green Douglas Fir

Pyrus communis L. - Pear

Quercus alba - White Oak

Quercus borealis - Northern Red Oak

Quercus coccinea - Scarlet Oak

Quercus falcata - Southern Red Oak

Quercus falcata var. pagodaefolia - Cherrybark Oak

Quercus lyrata - Swamp White Oak

Quercus macrocarpa - Bur Oak

Quercus montana - Chestnut Oak

Quercus nigra - Water Oak

Quercus palustria - Pin Oak

Quercus phellos - Willow Oak

Quercus rubra - Red Oak

Quercus veketina - Black Oak

Quercus virginiana - Live Oak

Robinia pseudoacacia L. - Black Locust

Salix nigra - Black Willow

Sassafras verifolium - Sassifras

Syringa vulgaris L. - Common Lilac

Taxodium distichum - Bald Cypress

Thuja occidentalis L. - Northern White Cedar, Eastern Arborvitae

Tilia americana - Basswood

Tsuga canadensis (L.) Carr. - Eastern Hemlock, Canada Hemlock

Ulmus americana L. - American Elm

Ulmus parvifolia Jacq. - Chinese Elm

Regulation No: 15.

§ 15. Zone for labeling origin from which tree and shrub seeds were collected in Virginia.

The Virginia zone designations for labeling of tree and shrub seeds shall be as follows:

A. Mountain - The Blue Ridge Mountains and Westward.

B. Piedmont - East of the Blue Ridge Mountains and west of U.S. No. 1 from North Carolina line to Richmond and U.S. No. 301 from Richmond to Potomac River Bridge.

C. Coastal Plains - East of U.S. No. 1 from North Carolina line to Richmond and U.S. No. 301 from Richmond to Potomac River Bridge.

D. Eastern Shore - Northampton and Accomack Counties.

Regulation No: 16.

§ 16. Maximum percentage of inert matter.

Seed or seed mixtures as defined by § 3.1-263 of the Code of Virginia shall not contain more than 15% by weight of inert matter, excluding coating material which has been added to enhance the planting value.
Regulation No. 16:

§ 17. Minimum size of peanut seed.

Shelled peanuts for agricultural seed as defined in § 3.1-263 of the Code of Virginia shall be a size of which 97% by weight of whole seed shall pass over a 16/64 inch screen and none shall pass through a 14/64 inch screen.

Regulation No. 30:

§ 18. Minimum germination standard for peanut seed.

Peanuts for agricultural seed as defined in § 3.1-263 of the Code of Virginia shall have a 75% minimum total germination.

BOARD OF AGRICULTURE AND CONSUMER SERVICES

Adopted September 27, 1986

* * * * *


Statutory Authority: § 3.1-104 of the Code of Virginia.

Effective Date: June 25, 1986

Summary:

The amendments to the Virginia Fertilizer Regulations were for clarification and simplicity as follows: (i) Nontechnical changes were made to 84 rules to improve sentence structure and to add clarity and simplicity to the regulation; (ii) one provision of the 1970 regulations was deleted. In § 2, industry was given one year from the date of the regulations (1970) to remove the term "borax" from product labels. Since the period for this provision has expired it was deleted from these regulations; and (iii) one provision was added to the regulations. In the regulatory review process, the fertilizer industry requested that investigation allowances be amended to provide that an overdose in primary nutrients compensate, within certain limits, for a deficiency in another primary nutrient when determining when a fertilizer is deficient. The Regulatory Review Committee concluded this request was justified to take into account unique mixing, storage and transportation problems associated with nonuniform blends of fertilizer materials which have different bulk densities and particle sizes. This provision is included in § 5 of the regulation.


Regulation III:

§ 1. Definitions.

A. Except as the board designates otherwise in specific cases, the names and definitions for commercial fertilizer shall be those adopted as official by the Association of American Fertilizer Plant Food Control Officials.

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

"Commissioner" means the Commissioner of the Virginia Department of Agriculture and Consumer Services.

"Fertilizer Law" means Chapter 10 (§ 3.1-74 et seq.) of Title 3.1 of the Code of Virginia, known as the Virginia Fertilizer Law.

"Pesticide Law" means Chapter 14 (§ 3.1-189 et seq.) of Title 3.1 of the Code of Virginia, known as the Virginia Pesticide Law.

Regulation I.

§ 2. Plant nutrients in addition to nitrogen, phosphorus and potassium.

Other plant nutrients, when claimed in any form of written, printed, or graphic matter, shall be registered and for shall be guaranteed on the package; or if in bulk, on the accompanying invoice or delivery slip. Guarantees shall be made on the elemental basis; except boron may also be guaranteed as borax provided that the elemental form is also shown for a period of one year from date of this regulation. Sources of the guaranteed elements guaranteed and proof of their availability shall be provided to the commissioner upon request. The minimum percentages which will be accepted as guarantees and/or for registration are as follows:

A. Calcium (Ca) ........................................... 1.0
B. Magnesium (Mg) ..................................... 0.50
C. Sulfur (S) ............................................ 1.0
D. Boron (B) ............................................ 0.02
E. Chlorine (Cl) ......................................... 0.10
F. Cobalt (Co) .......................................... 0.0005
G. Copper (Cu) .......................................... 0.05
H. Iron (Fe) ............................................. 0.10
I. Manganese (Mn) .................................... 0.05
J. Molybdenum (Mo) ................................. 0.0005
K. Sodium (Na) ........................................ 0.10
L. Zinc (Zn) ............................................ 0.05

Guarantees or claims for the above listed plant nutrients are the only ones which will be accepted. Proposed labels and directions for use of the fertilizer shall be furnished upon request with the application for registration upon request. Warning or caution statements are required on the label for any product which contains 0.001% or more of molybdenum. Any of the above listed elements which are guaranteed shall appear in the order listed.
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Immediately following guarantees for the primary nutrients; nitrogen, phosphorous, and potassium. (The Board authorized the present industry an extension of one year from the date of these regulations to dispose of or use their present inventories of labeling materials which are not in compliance with the regulation at the present time.)

Regulation II:

§ 3. Speciality fertilizer labels.

A. The following information, if not appearing on the face or display side in a readable and conspicuous form, shall occupy at least the upper third of a side of the container, and shall be considered the label. (With the exception of "net weight", which must always appear on the display panel package or container.)

Net Weight

1. Brand name.

2. Grade.

Guaranteed Analysis:

Total Nitrogen (N) .................. %

........................................ % Ammoniacal Nitrogen**

........................................ % Nitrate Nitrogen**

........................................ % Water Insoluble Nitrogen*

Available Phosphoric Acid (P205) ........... %

Soluble Potash (K2O) .................. %

Additional Plan Nutrients as prescribed by regulation.

** Potential Acidity or Basicity ....% or ............... lbs.

Calcium Carbonate Equivalent per ton.

Name and address of registrant.

NOTES:

* If claimed or the statement "organic" or "slow acting nitrogen" is used on the label.

** If claimed or required.

B. Slowly available plant nutrients.

1. No fertilizer label shall bear a statement that connotes or infers implies the presence of a slowly available plant nutrient unless the nutrient or nutrients are identified.

2. When a fertilizer label infers implies or connotes that the nitrogen is slowly available through the use of "organic", "organic nitrogen", "ureaform", "long-lasting" or similar terms, the guaranteed analysis must indicate the percentage of water insoluble [ or slowly available ] nitrogen in the material.

3. To supplement (b), it should be established that if a label states the amount of organic nitrogen present in a phrase, such as "25.25[ of the nitrogen from ureaformaldehyde (ureaform)," then the water insoluble nitrogen guarantee must be not less than 60% of the nitrogen so designated.

Example: 10-6-4 Rose Food

25% of Nitrogen is Organic

10 (Total N) X .25 (%N claimed or Organic) X .80 (Average insolubility in H2O) of organic nitrogen sources = 1.5% WIN

4. When the water insoluble [ or slowly available ] nitrogen is less than 15% of the total nitrogen, the label shall bear no references to any designations such as stated in (b) subsection B paragraph 2 of these regulations.

5. The term "Coated-slow release fertilizer", or "Coated-slow release" shall be accepted as descriptive of products.

6. Further, the [ above terms and ] phrases (a) in [ paragraphs subparagraphs 2 and 5 of this regulation ] shall be allowed for any products that can show a testing program substantiating the claim. (Testing under the guidance of experiment station personnel, or a recognized reputable researcher, etc.) [ Water insoluble nitrogen must be guaranteed at 15% of the total nitrogen level in organic materials.]

7. The Association of Official Analytical Chemist (AOAC) Method 2,041 shall be used initially to substantiate the fact that "Coated-slow release" materials are present. The determination need only be modified by the elimination of sample grinding during preparation. When the AOAC Committee, working on this problem, comes up with a more specific method it will, of course, be substituted.

C. Soil conditioners.

1. Each container of a soil conditioner shall be labeled in a legible and conspicuous form to show the following information:

   a. The net weight of the contents;

   b. The name of the product;

   c. The guaranteed analysis, including the common or usual English name and the percentage of each active ingredient, and the name and percentage of
§ 4. Percentages.

The term of "Percentage", when used by symbol or word when used on a fertilizer label, shall represent only the amount of individual plant nutrients or other factors in relation to the total weight of the product by weight.

Regulation V:

§ 5. Investigational allowances or tolerances and penalties.

A. * A commercial fertilizer shall be deemed deficient if the analysis of any primary nutrient is below the guaranteed analysis or grade by an amount exceeding 0.5% of one percent more than 0.30% plus three percent 3.0% of the guarantee, or if the overall index value of the fertilizer is below 95 percent %. Except when the found relative value of a sample is equal to or exceeds the guaranteed relative value, an overage in primary nutrients may compensate for a deficiency in another primary nutrient up to 10% of the guarantee of the deficient nutrient, not to exceed two units. No compensation will be allowed toward a deficiency unless the total percent of primary plant nutrients is equal to or greater than the percent guaranteed or if the deficiency exceeds 10% of the guarantee or the deficiency exceeds two units. If more than one primary nutrient is in penalty status, no compensation will be allowed.

* For these investigational allowances to be applicable, the recommended AOAC procedures for obtaining samples, sample preparation, and analysis must be used. These are described in the Official Methods of Analysis of the Association of Official Agricultural Chemists, 10th edition, 1985 beginning on page 9 and in succeeding issues of the Journal of the Association of Official Analytical Chemists. In evaluating replicate data, Table 10, page 945, of the Journal of the Association of Official Analytical Chemists, Volume 49, No. 6, October, 1965 should be followed: Averaging at least two values must be adhered to; if more than two values are obtained, all significant values must be averaged. Values carried to two decimals places are needed in applying averages to this table. Values may be "rounded" to one place where preferred in reporting.

* In applying these investigational allowances, the recommended Association of Official Analytical Chemists procedures for obtaining samples, sample preparation, and analyses must be used. These are described in the current edition of the Official Methods of the Association of Official Analytical Chemists and in subsequent issues of the Journal of Official Analytical Chemists. Averaging at least 2 values must be adhered to. Values carried to 2 decimals are to be used in this averaging, but values may be (rounded) to 1 place where preferred in reporting.

B. Assessment for deficiency of nitrate nitrogen or water insoluble nitrogen.

If the analysis of any commercial fertilizers guaranteed to contain a minimum of one percent or less of nitrogen derived from nitrate, or one percent or less of water insoluble nitrogen, shall fail as much as or more than one-third below the guarantee in either of these constituents, it
shall be the duty of the Commissioner to access against the manufacturer, dealer or agent, who sold such commercial fertilizer, a penalty amounting to twice the value of such deficiency or deficiencies. Fertilizers guaranteed to contain 1.0% or less. If the nitrogen content of any commercial fertilizer is found to be one-third or more than less than the guaranteed minimum, the commissioner shall assess a penalty against the manufacturer, dealer, or agent. This penalty shall amount to twice the value of the deficiency.

If the analysis of any commercial fertilizer guaranteed to contain a minimum of one percent of either of the constituents shall fail as much as, or more than one-fourth below the guarantee in either of the constituents, it shall be the duty of the Commissioner to assess against the manufacturer, dealer or agent, who sold such commercial fertilizer, a penalty amounting to twice the value of such deficiency or deficiencies. Fertilizers guaranteed to contain more than 1.0%. If the nitrogen content of any commercial fertilizer is found to be one-fourth or more less than the guaranteed minimum, the commissioner shall assess a penalty against the manufacturer, dealer, or agent. This penalty shall amount to twice the value of the deficiency.

C. Secondary and minor elements shall be deemed deficient if any element is below the guarantee by an amount exceeding the values in the following schedule:

**ELEMENT**

<table>
<thead>
<tr>
<th>Element</th>
<th>Amount</th>
<th>Guarantee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Calcium</td>
<td>0.2 unit + 5.0%</td>
<td>of guarantee</td>
</tr>
<tr>
<td>Magnesium</td>
<td>0.2 unit + 5.0%</td>
<td>of guarantee</td>
</tr>
<tr>
<td>Sulfur</td>
<td>0.003 unit + 25%</td>
<td>of guarantee</td>
</tr>
<tr>
<td>Boron</td>
<td>0.0001 unit + 30%</td>
<td>of guarantee</td>
</tr>
<tr>
<td>Cobalt</td>
<td>0.0001 unit + 30%</td>
<td>of guarantee</td>
</tr>
<tr>
<td>Molybdenum</td>
<td>0.0001 unit + 30%</td>
<td>of guarantee</td>
</tr>
<tr>
<td>Chlorine</td>
<td>0.0005 unit + 10%</td>
<td>of guarantee</td>
</tr>
</tbody>
</table>

(except for tobacco)

The maximum allowance when calculated in accordance to the above shall be one unit (1.0%).

D. Penalties for secondary and minor elements.

For each deficiency in a secondary or micronutrient element, a penalty of $1.00 per ton, plus three times the commercial value of the shortage, shall be paid to the ultimate user of the fertilizer. If the purchaser is not known, then the penalty shall be paid to the State Comptroller and reported to the State Comptroller, who shall credit the same amount to a special fund.

E. Assessment for excess chlorine for tobacco only if the chlorine content of any lot of fertilizer branded for tobacco shall exceed the maximum amount guaranteed by more than one half of one percent; a penalty shall be assessed equal to ten percent of the value of the fertilizer for such additional one half of one percent of excess or fraction thereof. If the guaranteed minimum chlorine content of fertilizer labeled for tobacco is exceeded by more than 0.5%, a penalty shall be assessed equal to 10% of the value of the fertilizer for each 0.5% or fraction thereof of excess.

Regulation VII:

§ 6. Fertilizer-pesticide mixtures.

A. Specialty fertilizer-pesticide mixtures.

The labeling, claims and use of all mixtures shall comply with and be registered under the Virginia Fertilizer Law and the Virginia Pesticide Law, and shall be subject to approval by the commissioner.

B. Farm crop fertilizer-pesticide mixtures.

1. General sale.

Combinations of fertilizer with pesticides, when offered for general sale, whether in bulk or bags; when offered for general sale, bulk lots or bags of fertilizer with pesticides must be registered and labeled as required by the Virginia Pesticide Law prior to sale or distribution. Although the Fertilizer Law does not require registration, labeling must meet its other requirements stated therein, and shall be subject to approval by the commissioner. All bulk containers and bins shall be labeled with a copy of the registered label and, a copy of such label which shall accompany each shipment and delivery.

2. Custom mixtures.

Pesticides may be mixed with fertilizers without label registration when the pesticide product is properly registered under the Virginia Pesticide Law, except when such these mixtures are prohibited by the registered pesticide label; provided that the mixture is:

a. Applied to the user's property by the distributor or his authorized agent; or

b. To be applied by the user or his authorized agent provided. In this case, each delivery must be accompanied by a label, including directions for application use limitations, and sufficient caution and warning statements; all of which shall be subject to approval by the commissioner.

Regulation VIII:

§ 7. Chlorine guarantees for tobacco fertilizer. (All commercial fertilizers labeled for tobacco shall show a
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Effective Date: June 25, 1986

Summary

Four specifications included in the 1969 regulations were deleted. "Pour Point", "Viscosity", "Carbon Residue", and "Ash" specifications for diesel fuel have historically been found to present no problems in Virginia. Two requirements were added to the regulations. Motor fuel registrants must include on their application for registration and post on all retail dispensing devices the percent of ethanol or methanol in the fuel is 1.0% or more of the mixture. Twelve specifications included in the 1969 regulations have been updated and adopted by reference to reflect the American Society of Testing and Materials (ASTM) current regional requirements. A mid-point maximum distillation specification has been added to insure good warm-up and acceleration properties in gasoline. The phrase "Dry Method For Oxygenated Fuels" was added to the ASTM method D-323 for determining Reid Vapor Pressure.


Scope of Rules and Regulations.

Section 59.1-149 of the Gasoline Law, Chapter 12 (§ 59.1-149 et seq.) of Title 59.1 of the Code of Virginia, defines gasoline as follows: "Gasoline shall be construed to include naphtha, benzene, and other like liquids and fluids derived from petroleum or other sources and used, or intended to be used, for power purposes, except kerosene."

The term "gasoline" as defined in the Gasoline Law § 59.1-149 of the Code of Virginia, includes all liquids and fluids used for power purposes except kerosene, whether intended for highway or nonhighway use.

Nothing in these specifications and rules and regulations shall affect the distribution for sale, offering for sale or sale of gasoline or diesel fuel intended for nonhighway use except as provided in Regulation A, subsection C of § 3 of these regulations for labeling every dispensing device used in the retail of gasoline or diesel fuel.

Regulation I:

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

"Commissioner" means the Commissioner of the Virginia Department of Agriculture and Consumer Services.

"Diesel fuel" means for the purpose of these Specifications and Rules and Regulations the term "Diesel Fuel", except as provided in Regulation III, apply only to liquids and fluids used, or intended to be used, for power purposes in automotive internal combustion compression ignition engines, except as provided in subsection C of § 3 of these regulations, liquids used or intended for use for power purposes in automotive internal combustion compression ignition engines.

"Gasoline" means for the purpose of these Specifications and Rules and Regulations the term "Gasoline" shall, except as provided in Regulation III, C, apply only to liquids and fluids used, or intended to be used, as carburetors for power purposes in automotive internal combustion spark ignition engines, except as provided in subsection C of § 3 of these regulations, liquids used or intended for use as carburetors for power purposes in automotive internal combustion spark ignition engines.

"Virginia Gasoline Law" or "Law" means Chapter 12 (§ 59.1-149 et seq.) of Title 59 of the Code of Virginia.

Regulation II:

§ 2. Specifications for gasoline and diesel fuel.

A. Gasoline.

Gasoline shall meet the requirements of the following specifications when tested in accordance with the latest version of the American Society for Testing and Materials Methods of Tests (ASTM) specified below, with the exception of the test for water and sediment.

Test

<table>
<thead>
<tr>
<th>ASTM Method</th>
</tr>
</thead>
<tbody>
<tr>
<td>D86</td>
</tr>
</tbody>
</table>

1. Distillation.

Percent evaporated at 70°C (158°F)

Percent evaporated during months of:

<table>
<thead>
<tr>
<th>Month</th>
<th>Minimum</th>
<th>10%</th>
</tr>
</thead>
<tbody>
<tr>
<td>January, February, November, and December at 50°C (122°F)</td>
<td>Minimum</td>
<td>10%</td>
</tr>
<tr>
<td>March, April, and October at 55°C (131°F)</td>
<td>Minimum</td>
<td>10%</td>
</tr>
</tbody>
</table>

2. Reid Vapor Pressure at 100°F (212°F)

Percent evaporated during months of:

<table>
<thead>
<tr>
<th>Month</th>
<th>Minimum</th>
<th>10%</th>
</tr>
</thead>
<tbody>
<tr>
<td>January, February, November, and December at 110°C (230°F)</td>
<td>Minimum</td>
<td>50%</td>
</tr>
<tr>
<td>March, April, and October at 113°C (235°F)</td>
<td>Minimum</td>
<td>50%</td>
</tr>
<tr>
<td>May, June, July, August, and September at 116°C (240°F)</td>
<td>Minimum</td>
<td>50%</td>
</tr>
<tr>
<td>Percent evaporated at 200°C (392°F)</td>
<td>[ Percent evaporated at 77°C (170°F) ] Maximum</td>
<td>50%</td>
</tr>
<tr>
<td>Percent evaporated at 165°C (329°F)</td>
<td>Minimum</td>
<td>90%</td>
</tr>
</tbody>
</table>

3. Residue, percent maximum

| Residue, percent maximum | 2% |

4. Water, percent maximum

| Maximum during the months of November, December, January, and February | 15.0 |

5. Sediment, percent maximum

| Maximum during the months of November and March | 14.0 |

6. Vapor Pressure, maximum percent

| Maximum during the months of September, October, April, and May March, April, and October | 17.0 |

7. Sulfur, maximum percent

| Maximum during the months of May, June, July, August, and September | 11.5 |

8. Oxygenated Fuels - Oxygenated fuel shall be determined by the referee method or Division of Consolidated Laboratories dry method for oxygenated fuels.

9. Copper Strip Corrosion Test

| Corrosion Scale, maximum | No. 1 Strip |
§ 3. Undissolved water and sediment, percent by volume, maximum ........................................ 0.01 %

VDACS Method

§ 4. Resin/stear gum, mg.

per 10 ml., maximum ............................................. 5 D381

§ 5. The octane number of gasoline shall not be more than one number below the octane number listed on the label attached to the dispensing device used in the retail sale of the gasoline.

§ 6. Gasoline labeled as "unleaded" "no lead" or "lead free" shall not contain more than 0.05 grams lead per gallon and not more than 0.008 grams of phosphorus per gallon.

B. Diesel fuel.

Diesel fuel shall meet the requirements of the following specifications; when tested in accordance with the latest version of the American Society for Testing and Materials Methods of Tests specified below.

ASTM Method

1. Flash Point, deg. F minimum .................................. +10 D93

(IF registered and labeled as #2 Diesel) 100°F
(IF registered and labeled as #1 Diesel) 125°F

2. Pour Point, deg. F. maximum .................................. +20 D97

3. Viscosity Saybolt Universal at 100°F; minutes .................. 45 D68

4. Water and Sediment, percent by volume, maximum .................. 0.05 % D1796

5. Sulfur, percent by weight maximum .................. (D129 shall be the referee method)

6. Carbon Residue on 10 percent residue, per cent maximum .......... 0.5 % D554

7. Ash, per cent maximum ........................................ 0.04 % D522

8. Cetane Number, minimum ........................................ 40 D613

9. 90 percent Distillation Point, deg. F maximum .............. 675°F D86

10. 8. Corrosion - ASTM Copper Strip Scale, maximum ............. 3 hrs. at 50°C

Regulation III:

§ 3. Labeling.

A. Gasoline.

Each and Every dispensing pump or other dispensing device used in the retail sale of gasoline shall be plainly and conspicuously labeled with the brand name or trade name of the gasoline, and if the product contains 1.0% or more of ethanol or methanol, a label identifying the kind of alcohol and the percentage of each shall be posted in letters not less than one inch in height.

B. Diesel fuel.

Each and Every dispensing device used in the retail of diesel fuel shall be plainly and conspicuously labeled with the words "diesel" as part of said brand name or trade name as deemed full compliance with the provision herein requiring the use of the word "diesel" as defined in § 59.1-149 of Chapter 12 of Title 59.1 of the Code of Virginia, and intended for nonhighway use shall be plainly and conspicuously labeled with the words "diesel fuel" or a term approved by the commissioner which clearly identifying the product.

C. Power fuels for nonhighway use.

Each and every dispensing device or container used in the retail sale of gasoline (as defined in § 59.1-149 of Chapter 12 of Title 59.1 of the Code of Virginia) and intended for nonhighway use shall be plainly and conspicuously labeled with, in letters not less than one inch in height, the words "diesel fuel" or a term approved by the commissioner which clearly identifying the product.

Regulation IV:

§ 4. Registration of gasoline and diesel fuel.

A. All manufacturers, wholesalers and jobbers before selling or offering for sale in this state any gasoline or diesel fuel shall file the following information with the Commissioner upon forms furnished by the Commissioner. Before selling or offering for sale any gasoline or diesel fuel in this Commonwealth, these products shall be registered with the Virginia Department of Agriculture and Consumer Services. The following information shall be included on forms provided by the commissioner:

1. The name and address of the registrant.
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2. The brand ; name or trade name under which the gasoline or diesel fuel will be offered for sale or sold.

3. The octane number of each gasoline as determined by the latest version of ASTM Research Method D665 or D666, whichever is applicable D2699 and ASTM Motor Method D2700, and expressed as an average of the two methods \((R+M)/2\).

4. A statement that the gasoline or diesel fuel will comply with the requirements of the Virginia Gasoline Law and the specifications and , rules , and regulations adopted under §§ 59.1-153 and 59.1-156 of the Code of Virginia.

5. The percentage and kinds of alcohol included in the gasoline.

B. If any of the information required under subsection A above ceases to be factual and no longer applicable to any product, the registrant shall, prior to the sale or distribution of that product, file a new registration which shall supersede all previous registration.

Regulation V.

§ 5. Gasoline and diesel fuel condemned.

When a sample of gasoline or diesel fuel has been drawn by an inspector and found not to conform with the requirements of the Virginia Gasoline Law, Chapter 42 of Title 56.1 of the Code of Virginia (1966) as amended and the specifications and , rules and regulations adopted under §§ 59.1-153 and 59.1-156 of the said Law the said Code of Virginia , a Stop Sale, Use or Removal Order shall be issued and . The fill cap, pump, delivery line , or any other means for of withdrawing the contents of the tank or affected container from which said sample was drawn may be sealed by an inspector ; and , The contents shall not be removed except under the following conditions:

A. Age or staleness.

If the gasoline or diesel fuel does not meet the requirements of the Virginia Gasoline Law and Specifications and Rules and Regulations due to age or staleness and not by the addition or substitution of any other material including gasoline or diesel fuel of a lower quality; when requested, the Commissioner shall grant permission to the owner to blend it with a gasoline or diesel fuel of such quality as will bring it within the requirements of the Law and the Specifications and Rules and Regulations and request that an Inspector take another sample and if the gasoline or diesel fuel is found to meet the requirements of the Virginia Gasoline Law and the Specifications and Rules and Regulations the Commissioner shall release the gasoline fuel for sale in Virginia. The commissioner may grant permission to the owner to blend aged or stale gasoline or diesel fuel with the fuel of sufficient quality to bring it up to standard. If a second sampling shows that the gasoline or diesel fuel meets the requirements, the commissioner shall release it for sale in Virginia.

B. Adulteration.

If the gasoline or diesel fuel does not meet the requirements of the Virginia Gasoline Law and the specifications and , rules and regulations due to adulteration by substituting other materials , including gasoline or diesel fuel of a lower quality, the commissioner shall notify the registrant ; or his local representative of the said gasoline or diesel fuel and request his cooperation in determining how such the source of the adulteration was accomplished.

The said gasoline or diesel fuel may be released by the commissioner to be returned to the manufacturer, producer, or refiner , or to be disposed of in a manner approved by the commissioner provided that . Prior to its release of the gasoline or diesel fuel, the commissioner shall be furnished with an affidavit stating that the gasoline or diesel fuel will not be distributed for sale, offered for sale or sold in Virginia for use as a fuel in internal combustion engines , and further also stating the disposition of the gasoline or diesel fuel.

Regulation VI.

§ 6. Publication of information filed in connection with registration and results of tests of official samples.

From time to time, the commissioner shall , from time to time, publish in a bulletin of the Department of Agriculture and Commerce Consumer Services the names of registrants, the brands, names or trade names of gasoline and diesel fuel registered, the octane number as filed in connection with the registration of gasoline, the results of tests of official samples found to be in violation , and other data ; as will be of information useful to consumers of gasoline and diesel fuel.

Board of Agriculture and Consumer Services

Adopted April 22, 1966

NOTE: These rules and regulations replace those heretofore in effect entitled “Specifications, Rules and Regulations of Gasoline and Diesel Fuels” adopted by the Board on September 20, 1964 and which were repealed upon the effective date of these rules and regulations.

Procedures used in sample preparation and analysis for enforcement of these regulations are available from:

American Society for Testing and Materials
1916 Race Street
Philadelphia, Pennsylvania 19103
CRIMINAL JUSTICE SERVICES BOARD


Statutory Authority: § 9-170 of the Code of Virginia.

Effective Date: July 1, 1986

Summary:

In accordance with the provisions of §§ 9-170(1), 9-170(5), and 9-170(5a) of the Code of Virginia, the Department of Criminal Justice Services Board hereby promulgates the following rules for compulsory minimum training standards for persons designated as courthouse and courtroom security officers / deputy sheriffs designated to serve process.

The adopted regulations revise the minimum training standards for courthouse and courtroom security and include training for deputy sheriffs designated to serve process. Mandatory training concerning the service of process, and laws and procedures concerning arrest authority, have been included.

As a result of written comments received and testimony given at the public hearing, nonsubstantive clarification changes were made. These changes did not alter the content of the regulations as submitted in proposed form. In addition, there have been no significant changes in the basis, purpose, or impact of these regulations as originally proposed.


Pursuant to the provisions of § 9-170 of the Code of Virginia, the Department of Criminal Justice Services Board hereby promulgates the following rules for compulsory minimum training standards for persons designated as courthouse and courtroom security officers / deputy sheriffs designated to serve process.

§ 1. Definitions.

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

A. “Agency administrator” means any chief of police, sheriff or agency head of a state, county, or local law-enforcement agency.

B. “Approved training school” means a courthouse and courtroom security training school which provides instruction of at least the minimum training standards as established mandated by the department and which school has been approved by the department for the specific purpose of training criminal justice personnel.

C. “Board” means the Criminal Justice Services Board.

D. “Department” means the Department of Criminal Justice Services.

E. “Director” means the chief administrative officer of the department.

F. “Full-time attendance” means that officers in training shall attend all classes and shall not be placed on duty or call except in cases of emergency for the duration of the school.

G. “School director” means the chief administrative officer of an approved training school.

§ 2. Compulsory minimum training standards.

Pursuant to the provisions of §§ 9-170(1), 9-170(5), § 9-170(5a) and 53.1-120 of the Code of Virginia, the Department of Criminal Justice Services Board hereby promulgates the following rules for compulsory minimum training standards for courthouse and courtroom security officers / deputy sheriffs designated to serve process.
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GRAND TOTAL ............................................. 60 80

F. E. Firearms

(Refer to § 7 D.)

§ 3. Applicability.

A. Every person employed on or after January 1, 1986,
who is designated to provide courthouse and courtroom
security /deputy sheriffs designated to serve process [as
defined in §§ 52.1-120 and 8-170(1) of the Code of Virginia;
and who has not met the compulsory minimum training
standards for Courthouse and Courtroom Security Officers
subsequent to the effective date of these regulations,] must meet
the training standards herein established unless provided otherwise in accordance with § 3.B of these
regulations.

B. The director, with the approval of the Board whose
decision shall be final, may grant an exemption
or partial exemption of the compulsory minimum training
standards established herein, in accordance with § 9-173 of
the Code of Virginia courthouse and courtroom security
officer of any criminal justice agency; who has had
previous experience and training as a courthouse and
courtroom security officer with any criminal justice
agency; from the mandatory attendance at courses which
are required for the successful completion of the
compulsory minimum training standards.

§ 4. Time requirement for completion of training.

A. Every officer employed after January 1, 1972,
courthouse and courtroom security officer/deputy sheriff
designated to serve process who is required to take the
compulsory courthouse and courtroom security training
comply with the compulsory minimum training standards
must satisfactorily complete such training within 12 months
of the date of his/her employment appointment unless
provided otherwise in accordance with § 4 B of these
regulations.

B. The director may grant an extension of the time limit
for completion of the minimum training required upon
presentation of evidence by the agency administrator that
the officer was unable to complete the required training
within the specified time limit due to illness, injury,
military service or special duty assignment required and
performed in the public interest. However, each agency
administrator must request such extension prior to
expiration of any time limit.

C. Any courthouse or courtroom security officer /deputy
sheriff designated to serve process who originally compiled
with all training requirements and later separated from
courtroom security /process server status, in excess of 24 months, upon his/her reentry as a
courthouse and courtroom security officer /process server
will be required to complete all compulsory
minimum training standards unless provided otherwise in
accordance with § 3 B of these regulations.

§ 5. How minimum training may be attained.
A. The compulsory minimum training required for courthouse and courtroom security may standards shall be obtained attained by attendance attending and satisfactory completion of satisfactorily completing an approved training school.

B. Officers attending an approved training school are required to be present for all classes and should not be placed on duty or on call except in cases of emergency. In the event of such an emergency, the agency administrator shall advise the school director within 24 hours. Absences not exceeding 10% of the minimum training curriculum are permissible providing such absence is a result of injury, illness or required court appearance. Officers will be responsible for any material missed during an excused absence.

§ 6. Approved training schools.

A. Courthouse and courtroom security/process server training schools [ must shall ] be approved training schools by making application to the Director on forms provided by the department prior to the first scheduled class. Approval is requested by making application to the director on forms provided by the department. The director may approve those schools which, on the basis of curricula, instructors, facilities and examinations provide the required minimum training. Applications are to One application for all mandated training shall be submitted annually prior to the beginning with the first school of each calendar fiscal year, and unless significant changes in curriculum, sequence and/or instructors are instituted, succeeding schools for that year will only require a. A curriculum indicating the listing subjects, the instructors, dates, and times and instructors for such training the entire proposed session shall be submitted to the department 30 days prior to the beginning of each such proposed session. An exemption to the 30-day requirement may be granted for good cause shown by the school director.

B. Each school director will be required to maintain a current file of all lesson plans and supporting material for each subject contained in the compulsory minimum training program standards.

C. Schools which are approved will be subject to inspection and review by the director and/or staff.

D. The director may suspend the approval of an approved training school upon written notice, which shall contain the reason(s) upon which the suspension is based, to the school's director and the school's director may request within ten (10) days request in writing a hearing before the board. The request shall be in writing and must be received by the department within 15 days of the date of the notice of suspension.

§ 7. Grading.

A. All written examinations shall include a minimum of two (2) questions for each hour of mandatory instruction. This requirement likewise includes the classroom instruction on performance-oriented subject matter. However, for those subjects which exceed five (5) hours of instruction, ten (10) questions will suffice as an acceptable minimum: one test question pertaining to each instructional objective specified in the document entitled "Resumes and Objectives For Courthouse and Courtroom Security Officers/Process Servers."

B. All officers [ must shall ] attain a minimum grade of 70% in each grading category to satisfactorily complete mandatory training. Any officer who fails to attain the minimum 70% in any grading category will be required to take all subjects comprising that grading category in a subsequent approved training school. The officer must then may be tested and retested and achieve 70% minimum score before being certified as satisfactorily completing the mandatory training. All minimum training must be completed within 12 months of the date of employment as set forth in Section 4.6.A as may be necessary within the limits of § 4 of these rules and each academy's written policy. An officer shall not be certified as having completed with compulsory minimum training standards unless all applicable requirements have been met.

C. The school director shall within thirty (30) days of completion of the school; submit a grade reports report on each officer using on forms [provided approved ] by the department. The grading categories are as follows:

1. Basic Security Procedures
2. Court Security Responsibilities
3. Legal Matters
4. Skills (excluding firearms range training)
5. Firearms Range Training will be graded on a satisfactory/un satisfactory basis

D. The following firearms training will be required for each officer attending an approved school:

1. Nomenclature and care of service revolver;
2. Safety (on the firearms range, on duty and off duty);
3. Legal responsibilities and liabilities of firearms;
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4. Service revolver (handling, firing principles);
5. Dry firing and application of basic shooting principles;
6. Prequalification shooting (150 rounds, minimum);
7. Virginia Modified Double Action Course (70% minimum qualification required);
8. Qualification (70% minimum required) on one of the following record courses:
   a. Modified Tactical Revolver Course,
   b. Modified Practical Pistol Course,
   c. Virginia Modified Combat Course I,
   d. Virginia Modified Combat Course II;
9. Familiarization with the police shotgun (20 rounds required - shoulder and hip position)

For further instructions and specific course requirements, refer to the "Course Resumes and Objectives for Required Compulsory Minimum Training for Courthouse and Courtroom Security Officers /Process Servers."

§ 8. Failure to comply with rules and regulations.

Any courthouse and courtroom security officer /process server attending an approved training school shall comply with the rules and regulations promulgated by the department board and any other rules and regulations within the authority of the school director. The school director shall be responsible for their proper enforcement of all rules and regulations established to govern the conduct of attendees. If the school director considers a violation of the rules and regulations detrimental to the welfare of the school, the school director may expel the officer from the school and the individual will not receive a certificate. Notification of such action shall immediately be reported, in writing, to the agency administrator of the officer and the Department through its director.

§ 9. Administrative requirements.

A. Reports will be required from the agency administrator and school director on forms approved or provided by the department and at such times as designated by the director.

B. Forms and reports that may be required by the department shall be submitted by The school director shall, within 30 days of upon completion of the an approved training school: , comply with the following:

1. Prepare a grade report on each officer maintaining the original for academy records and forwarding a copy to the agency administrator of the officer.

2. Submit to the department a roster containing the names of those officers who have satisfactorily completed all training requirements and, if applicable, a revised curriculum for the training session.

C. The school director shall furnish the each instructor with a copy complete set of the course resumes and objectives which set forth the minimum training requirements for the assigned subject matter.

D. The school director may be required to Approved courthouse and courtroom security/process server training schools shall maintain accurate records such as, but not limited to, attendance records, of all tests, scores grades and testing procedures, range qualification scores for officers attending approved schools. The period for retention of these records shall be established by the Director Training school records must be maintained in accordance with the provisions of these rules and §§ 42.1-76 through 42.1-91 of the Code of Virginia.

E. All school applications and/or curriculums must be submitted to the Department thirty (30) days prior to the start of the school:

[ § 10. Effective Date:

These rules shall be effective on and after July 1, 1986, and until amended or rescinded.]

* * * * * * *


Statutory Authority: § 9-170(1) and (11) of the Code of Virginia.

Effective Date: July 1, 1986

Summary:

In accordance with the provisions of §§ 9-6.14; 7.1 and 9-170 of the Code of Virginia, the Criminal Justice Services Board, on April 2, 1986, adopted new rules relating to the Certification of Criminal Justice Instructors. These rules will supersede the existing rules which took effect on July 1, 1984.

Amended rules are designed to strengthen the requirements for criminal justice instructors, to insure an acceptable level of ability and experience, and to provide for some retraining before an individual can be recertified.

As a result of written comments received during the public comment period and testimony given at the public hearing, some changes were made. These
changes did not significantly alter the content of the regulations as submitted in the basis, purpose, or impact of these regulations as originally proposed.


Pursuant to the provisions of § 9-170(1) and (11), of the Code of Virginia, the Department of Criminal Justice Services Board hereby establishes the following rules relating to the certification of criminal justice instructors.

§ 1. Definitions.

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

A. "Approved training school" means a training school which provides instruction of at least the minimum training standards mandated by the department and has been approved by the department for the specific purpose of training criminal justice personnel.

B. "Criminal justice agency" means any government agency or identifiable subunit which has as its principal duty(s): the prevention, detection, and investigation of crime; the apprehension, detection, and prosecution of alleged offenders; the confinement or correctional supervision of accused or convicted persons; or the administrative or technical support of these functions.

C. "Director" means the chief administrative officer of the department.

D. "Instructional staff" means any individual employed in training on a full-time basis who shall instruct in approved training schools promulgated by the department.

E. "Instructor" means an individual who shall instruct, teach or lecture for more than three mandated hours in any individual approved training school.

F. "School director" means the chief administrative officer of an approved training school.


Instructors in approved training schools [ must shall ] possess one of the following certifications authorized by the department, excluding those enumerated in §§ 4 and 5 of these rules:

A. Provisional instructor certification.

For the individual [ officer ] who has had little or no previous teaching experience, this certification:

1. Requires a high school diploma or high school equivalency certificate (GED);
2. Requires the application to be instructional staff, an employee of a [ Virginia ] criminal justice agency, or a school director;
3. Requires the applicant to have completed the compulsory minimum training standards for instructor certification, excluding those individuals enumerated in Section 5 of subsection A of § 5, of these rules;
4. Requires a minimum of two years' experience in a criminal justice agency;
5. Is valid for three years and may be renewed; and
6. Does not authorize an individual to instruct or qualify others in mandated firearms, defensive tactics, or driver training courses.

B. Instructor certification.

For individuals who have professional [ and ] proficiency skills in a field directly related to criminal justice, this certification:

1. Requires a high school diploma or high school equivalency certificate (GED);
2. Requires the applicant to be instructional staff, an employee of a [ Virginia ] criminal justice agency, or a school director;
3. Requires the applicant to have completed the compulsory minimum training standards for instructor certification, excluding those individuals enumerated in Section 5 of subsection A of § 5, of these rules;
4. Requires a minimum of two years' experience in a criminal justice agency;
5. Is valid for three years and may be renewed; and
6. Does not authorize an individual to instruct or qualify others in mandated firearms, defensive tactics, or driver training courses.

C. Firearms instructor certification.

For the individual who has had extensive firearms training and experience, this certification:

1. Requires a high school diploma or high school equivalency certificate (GED);
2. Requires the application to be instructional staff, an employee of a [ Virginia ] criminal justice agency, or a school director;
3. Requires a minimum of two years' experience in a criminal justice agency;
4. Requires the applicant to have attended and
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successfully completed a firearms instructors course which meets or exceeds the standards of the firearms instructors school approved by the department;

[ 4: 5. ] Requires the applicant also to have successfully completed an instructor development course which meets or exceeds the standards for instructor schools approved by the department;

[ 4: 6: 6. ] Is valid for three years and may be renewed;

[ 6: 7. Requires prequalification on a 60-yard course with a score of 86% on either a Practical Pistol Course (PPC) or a TactiCal Revolver Course (TAC). Requires prequalification on a department approved 25-yard course with a score of 80%; ]

[ 7: 8. ] Requires the applicant to serve an apprenticeship under a certified instructor until they can demonstrate the ability to instruct on their own. The certified instructor shall document this successful completion of the apprenticeship on the instructor application form; and

[ 8: 8. ] Authorizes an individual to instruct mandated firearms training courses and to conduct firearms qualifications only.

D. Defensive tactics instructor certification.

For the individual who has had extensive training and experience in the area of defensive tactics, this certification:

1. Requires a high school diploma or a high school equivalency certificate (GED);

[ 2. Requires the applicant to be instructional staff, an employee of a Virginia criminal justice agency, or a school director; ]

[ 9: 3. ] Requires a minimum of two years experience in a criminal justice agency;

[ 9: 4. ] Requires the applicant to have attended and successfully completed a defensive tactics instructors course which meets or exceeds the standards of the department.

[ 9: 5. ] Requires the applicant also to have successfully completed an instructor development course which meets or exceeds the standards for instructor schools approved by the department;

[ 9: 6. 6. ] Is valid for three years and may be renewed; and

[ 9: 7. ] Requires the applicant to serve an apprenticeship under a certified instructor until they can demonstrate the ability to instruct on their own. The certified instructor shall document this successful completion of the apprenticeship on the instructor application form; and

[ 9: 7: 8. ] Authorizes the individual to instruct defensive tactics subjects only.

E. Driver training instructor certification.

For the individual who has had extensive training and experience in the area of driver training, this certification:

1. Requires a high school diploma or a high school equivalency certificate (GED);

[ 2. Requires the applicant to be instructional staff, an employee of a Virginia criminal justice agency, or a school director; ]

[ 3: 3. ] Requires a minimum of two years experience in a criminal justice agency;

[ 3: 4. ] Requires the applicant to have attended and successfully completed a driver training instructors course which meets or exceeds the standards of the driver training instructors school approved by the department;

[ 4: 5. ] Requires the applicant also to have successfully completed an instructor development course which meets or exceeds the standards for instructor schools approved by the department;

[ 4: 6. 6. ] Is valid for three years and may be renewed; and

[ 6: 7. ] Requires the applicant to serve an apprenticeship under a certified instructor until they can demonstrate the ability to instruct on their own. The certified instructor shall document this successful completion of the apprenticeship on the instructor application form; and

[ 6: 7: 8. ] Authorizes the individual to instruct driver training subjects only.

§ 3. Compulsory minimum training standards for instructor development.

A. The department establishes the following compulsory minimum training standards for instructors in approved training schools:

1. At a minimum, the instructor development course [ must shall ] be at least 40 hours in length and cover the following subjects:

   Role of the Instructor/Adult Learner
   Fundamentals of Communication

Virginia Register of Regulations

1676
Determining Training Needs

Liability of Instructors

Research and Development

Instructional Performance Objectives

Preparation and Use of Lesson Plans

Methods of Instruction

Preparation and Use of Audio-Visual Material

Criteria Testing

Student Presentations

Other Optional (Subject matter Topics [ X ] must pertain to instructor development[ ] )

§ 4. Exemptions to certification requirements.

The following individuals are exempted from the certification requirements set forth in § 2 of these rules:

A: 1. Individuals who instruct three hours or less in any individual approved training school;

B: 2. Individuals assigned by the school director to instruct in emergency situations.

C: 3. Individuals who possess professional or proficiency skills in a field of endeavor directly related to the subject matter in which they are instructing. This would include but not be limited to members of the bar, medical profession, public administrators, teachers, social service practitioners, etc.;

D: 4. Section 4 , C paragraph 3 , may apply to employees of criminal justice agencies of this State Commonwealth and its political subdivisions if approved by the department; and

E: 5. Certified emergency care and first aid instructors.

§ 5. Exceptions.

The following individuals are excepted from the certification requirements set forth in § 2 of these rules:

[ A: 1. Individuals serving as instructors on a regular basis in approved training schools on the effective date of these rules; Such exception shall not exceed a period of three years and is subject to renewal in accordance with § 7 of these rules; and ]

[ B: 2. ] Individuals who serve as field training officers or on-the-job training officers for purposes of providing field training as required by minimum training standards. Such exception shall not be construed to apply to training promulgated by the department other than field training or on-the-job training.

§ 6. Application for instructor certification.

A completed "Instructor Certification Application" is required from each potential instructor prior to certification on forms provided by the department. The application [ must shall ] be accompanied by a recommendation from the chief of police, sheriff, agency administrator or his designee.

§ 7. Renewal of certification.

Instructor certifications, other than those issued to provisional instructors, will be valid for a period of three years. Applications for renewal will be submitted on forms provided by the department.

A: 1. Applicants for recertification [ must shall ] be recommended by the chief of police, sheriff, agency administrator or his designee;

B: 2. Applications for renewal shall include a statement from the school director relative to the instructional performance of the applicant;

3. Applicants [ must shall ] attend and successfully complete a recertification seminar [ not to exceed eight hours ] , approved by the department for each type of certification held. Completion of this requirement [ must shall ] occur within the three-year period in which the certification is valid. Those who were certified prior to the effective date of these regulations will have three years from the effective date to comply.

Completion of one or more of the skills recertification seminars (firearms, defensive tactics or driver training) will qualify an instructor for recertification in the general category.

4. Individuals whose certification is allowed to expire [ must shall ] submit a new application and meet any requirements that are in effect at that time [ including completion of the recertification seminar ]; and

5. Individuals [ must shall ] have taught a minimum of eight [ hours mandated or approved hours of instruction ] during the present period of certification in order to be eligible for recertification.

§ 8. Revocation of instructor certification.
The department may suspend or revoke any instructor certification issued under these rules if it is determined that an individual has falsified any department report, application, form or roster or has otherwise misused the authority granted therein.

§ 9. Administrative requirements.

Reports will be required from the school director, chief of police, sheriff, or agency administrator on forms provided by or approved by the director and at such times as designated by the director.

[ § 10. Effective date.

These rules shall be effective on and after July 1, 1964, and until amended or rescinded.]

BOARD OF EDUCATION

Title of Regulation: VR 270-01-0002. Regulations Governing the Educational Programs for Gifted Students.


Effective Date: June 25, 1986

Summary:

These Regulations Governing the Educational Programs for Gifted Students provide the guidelines required by Standard 5 of the Standards of Quality to implement differentiated programs for identified gifted students in kindergarten through grade 12. The basis and purpose of the regulations is to provide specific requirements for local school divisions to follow when implementing Standard 5 of the Standards of Quality for Public Schools in Virginia and for the receipt of state funds to support programs for the education of gifted students.

VR 270-01-0002. Regulations Governing the Educational Programs for Gifted Students.

PREAMBLE

Article VIII, Section 1 of the Virginia Constitution delineates the General Assembly's responsibility for education as follows:

"...shall provide for a system of free public elementary and secondary schools for all children of school age throughout the Commonwealth and shall seek to ensure that an educational program of high quality is established and continually maintained."

Section 2 of Article VIII requires the Board of Education to prescribe "...Standards of Quality for the several school divisions..." Standard 5 of such Standards of Quality, as enacted by the General Assembly, requires each school division to "...conduct a program acceptable to the Board of Education for the early identification of gifted and talented students." It is further stated that "...each school division shall offer differentiated instructional opportunities in accordance with guidelines of the Board of Education for identified gifted and talented students."

The requirements which follow set forth procedures for the development and operation of a division-wide special educational program for gifted students. These requirements, when coupled with the Virginia Plan for the Gifted, provide guidelines to meet the aforesaid statutory requirements.

PART I

[ INTRODUCTION. ]

Article I.

Applicability.

§ 1.1. These regulations shall apply to all local school divisions in the Commonwealth effective July 1, [ 1986 1986 ].

Article II.

Definitions.

§ 1.2. The words and terms, when used in these regulations, shall have the following meaning, unless the content clearly indicates otherwise:

[ "Child study committee" means a standing committee appointed by the principal which is composed of the principal or his designee, the referring teacher and two additional teachers, and a member of the pupil personnel staff when appropriate. ]

"Eligibility/placement committee" means a committee(s) named by the superintendent which is composed of the administrator of programs for gifted students or designee, a teacher of the gifted, and two or more of the following: classroom teacher, school psychologist, guidance counselor, administrator, visiting teacher/school social worker, or a professional in the area of giftedness (e.g., drama, art, music, dance). ]

"Gifted students" means those students in kindergarten through grade 12 whose abilities and potential for accomplishment are so outstanding that they require special programs to meet their educational needs. These students will be identified by professionally qualified persons through the use of multiple criteria as having potential or demonstrated abilities and who have evidence of high performance capabilities in one or more of the areas as follows:

1. General intellectual ability. Students with advance general or specific information and an advance aptitude for abstract reasoning and conceptualization,
whose mental development is accelerated to the extent that they need and can [profit benefit] from specifically planned educational services differentiated from those generally provided by the general program experience.

2. Specific academic ability. Students who have aptitude in a specific area such as language arts or math, and who are consistently superior to the extent that they need and can [profit benefit] from specifically planned educational services differentiated from those generally provided by the general program experience.

3. Visual or performing arts ability. Students who excel consistently in the development of a product or performance in any of the visual and performing arts to the extent that they need and can [profit benefit] from specifically planned educational services differentiated from those generally provided by the general program experience.

4. Practical arts ability. Students who excel consistently in the development of a product or performance in any area of vocational education to the extent that they need and can [profit benefit] from specifically planned educational services differentiated from those generally provided by the general program experience.

5. Psychosocial ability. Students who exhibit keen sensitivity to the needs of others and who not only assume leadership roles, but also are accepted by others as leaders to the extent that they need and can [profit benefit] from specifically planned educational services differentiated from those generally provided by the general program experience.

6. Creative and productive thinking ability. Students who exhibit [advance advanced] insights, outstanding imagination, and innovation and who consistently engage in integrating seemingly unrelated information to formulate new and positive solutions to conventional tasks. Creativity refers to the students' ability to produce both tangible and intangible end products involving the use of divergent and convergent thinking and problem solving to the extent that they need and can [profit benefit] from specially planned educational services differentiated from those generally provided by the general program experience.

["Identification/Placement Committee" means a standing committee appointed by the principal which is composed of the principal or his designee, the referring teachers and others deemed appropriate. This committee may also operate at the division level. In such case, a committee of like nature would be appointed by the superintendent or his designee.]

PART II.
RESPONSIBILITIES OF THE LOCAL SCHOOL

DIVISIONS.

§ 2.1. The requirements set forth in this section are applicable to local school divisions providing educational services for gifted students in kindergarten through grade 12.

Article I.
Identification.

§ 2.2. Each school division shall establish and maintain procedures to permit referrals from school personnel, parents, peers, other persons in the community, and a self-referral of those students suspected of being gifted for a review by the Child Study Committee in each school. This committee shall review records and other performance evidence of such referred students. Where such review by the Child Study Committee indicates that students meet the general definition of gifted, their names shall be forwarded to the local school division administrator of programs for the gifted, or designate, who shall obtain additional assessment data when appropriate, and then shall refer students to the Eligibility/Placement Committee for a determination of eligibility. Each school division shall establish and maintain a uniform procedure for screening and identification of gifted students. These procedures will permit referrals from school personnel, parents, or legal guardians, other persons of related expertise, and self-referral of those students believed to be gifted. Pertinent information, records, and other performance evidence of referred students will be examined by a building level or division level identification committee. Further, the committee will determine the eligibility of the referred students for differentiated programs. Students who are found to be eligible by the Identification/Placement Committee shall be offered a differentiated program by the school division.]

§ 2.3. [The Eligibility/Placement Committee shall review the available data and, where necessary, request additional information and/or testing to (i) determine if referred students are gifted (ii) require a differentiated program and (iii) recommend placement in an appropriate program when found eligible. Such gifted students shall then be referred to an administrator who has authority to implement the recommended differentiated program. Each school division shall maintain a review procedure for students whose cases are appealed. This procedure shall involve individuals, the majority of whom did not serve on the Identification/Placement Committee.]

Article II.
Assessment.

[§ 2.4. Many facets of the child study process, other than tests, should be included in assessing students who have been referred for consideration by the Eligibility/Placement Committee. To be inclusive rather than exclusive for groups such as the disabled or culturally different, other elements of assessment must be considered in the overall evaluation of students suspected.
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of being gifted: No single instrument shall be used as the sole criterion in determining students who qualify for programs for the gifted.

§ 2.4.1: The eligibility of students for programs for the gifted shall be based upon a combination of the following:

[§ 2.4 No single criterion shall be used in determining students who qualify for programs for the gifted. The eligibility of students for programs for the gifted shall be based on two or more of the following:]

1. Individual or group IQ test;
2. Individual or group achievement test in specific ability areas;
3. Creativity test(s) by trained personnel;
4. Appropriate rating scales, checklists, [interest inventories] or questionnaires;
5. Previous accomplishments;
6. Pupil products judged by an expert in the area of product being judged;
7. Test(s) of special ability in the visual, performing, and practical arts;
8. [Sociocultural/economic factors; Additional valid and reliable measures or procedures.
9. Leadership qualities;
10. Interest inventories and
11. Additional valid and reliable measures or procedures.]

Article III.
Local Plan.

[§ 2.5: Each local school division shall submit annually to the Board of Education by such date as the Department of Education shall specify, an acceptable plan for the identification and differentiated instruction and opportunities for all gifted students in kindergarten through grade 12 (Standards of Quality - Standard 6); and a report indicating the extent to which the plan for the preceding year has been implemented. The annual plan shall include the components as follows:]

1. A statement of philosophy;
2. A statement of goals and objectives;
3. Procedures for the [early and on-going] identification and [program] placement of gifted students;
4. Program design which includes curriculum [goals and differentiated instruction] for kindergarten through grade 12;
5. Procedures for the selection and training of personnel serving identified gifted students to include administrators/supervisors, pupil personnel specialists, and teachers;
6. Procedures for the evaluation of the effectiveness of the school division's program for gifted students;
7. A policy for identified gifted students' entry into and exit from the program which includes an opportunity for levels of appeal with reasonable timelines and an opportunity for parents who disagree with the committee(s) decision to meet and discuss their concern(s) with an appropriate administrator; and a procedure for notifying parents/legal guardians when additional testing or additional information is required during the assessment process and for obtaining permission prior to placement of student in the program.
8. Other information as required by the Department of Education: A policy for identified gifted students' entry into and exit from the program which includes an opportunity for levels of appeal with reasonable timelines and an opportunity for parents who disagree with the committee(s) decision to meet and discuss their concern(s) with an appropriate administrator;
9. Assurances that records are maintained according to "Management of Students Scholastic Record into Public Schools of Virginia";
10. Assurances that testing and evaluative materials selected and administered (i) are neither culturally nor racially discriminatory; (ii) are sensitive to language differences; (iii) have been validated for the specific purpose for which they are used; and (iv) are administered and interpreted by trained personnel in conformance with the instructions by their producer.
11. Other information as required by the Department of Education.]

[§ 2.7: Each school division shall include the following provisions and assurances in the annual plan and application for funding:

A. Confidential records of identified gifted students will be properly maintained.
B. Testing and evaluative materials selected and
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Title of Regulation: VR 355-22-1.1. Regulations Prohibiting the Taking of Finfish in Designated Portions of the James River and Its Tributaries.


Effective Date: July 1, 1986 through June 30, 1988, unless rescinded or extended.

Summary:

This amendment to the regulation continues the ban on commercial fishing for striped bass, croaker and eel not depurposed until June 30, 1988. All previous restrictions on crabbing, which were removed from the regulation previously, continue to be suspended. There are no restrictions on recreational finfishing and crabbing.

VR 355-22-1.1. Regulations Prohibiting the Taking of Finfish in Designated Portions of the James River and Its Tributaries.

PART I.
DEFINITIONS.

Section 2- § 1.1. The following words and terms, when used in these regulations, shall have the following meaning, unless the context clearly indicates otherwise.

2.01 "Finfish" means any cold-blooded, strictly aquatic, water-breathing craniate vertebrate with fins, including cyclostomes, elasmobranchs and higher gilled aquatic vertebrates with cartilaginous or boney skeletons. Eels are included in this category.

2.02 "Kepone" means a chlorinated pesticide known as chlordene.

2.03 "Recreational fishing" means the catching exclusively by hook and line of finfish which may be kept for personal consumption. It does not include keeping for purposes of sale or distribution for sale.

2.04 "The fall line of the James River" means the line...
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formed by the crossing of the Fourteenth Street Bridge over the James River in the City of Richmond.

2.06 "The mouth of the James River" means the line formed by the crossing of the Hampton Roads Bridge-Tunnel across the James River through Willoughby Spit on the South shore of the James River northwesterly to the former toll plaza location at the Southwest end of Willard Avenue on the North shore of the James River.

2.06 "The tributaries of the James River" means those streams and rivers flowing into the James River and include but are not limited to the Elizabeth River, Nansemond River, Chuckatuck Creek, Chickahominy River, Appomattox River, Hampton River, Pagan River and Warwick River.

PART II.
GENERAL PROVISIONS.

Section 3: General Information:

§ 2.1. Authority.

1.02 Authority.

A. Section 32.1-248 of the Code of Virginia (1960) as amended, authorizes the State Board of Health to adopt regulations or orders closing any river in which a toxic substance is present in such a manner as to constitute a present threat to public health and welfare. These regulations are also promulgated pursuant to the powers granted to the State Health Commissioner by Chapter 7 of Title 32 of the Code of Virginia. Section § 28.1-177 of the Code of Virginia which provides, in pertinent part, as follows: when from examination of or analysis of the shellfish, finfish or crustacea in a shellfish, finfish or crustacea growing area, of the bottom in or adjacent to such area, or the water over such area, or the sanitary or pollution conditions adjacent to finfish or crustacea growing area, or the bottom in or adjacent to such area, the Health Commissioner determines that the shellfish, finfish or crustacea growing in such area is unfit for market, he shall cause limits or boundaries of such area upon which area shall be condemned, and remain so until such time as the Health Commissioner shall find such shellfish, finfish or crustacea or area sanitary and not polluted.

B. Section 28.1-176 of the Code of Virginia provides, in pertinent part: The Health Commissioner may establish, alter and change in his discretion, at any time, standards, examinations, analysis and inspections which shall control the taking and marketing from the health standpoint, of fish, shellfish, and crabmeat; and he shall be the sole judge as to whether or not such fish, shellfish and crabmeat are sanitary and fit for market and also such standards, examinations, analysis and inspections.

1.02 § 2.2. Purpose of regulations.

The State Board of Health and State Health Commissioner promulgate these regulations to restrict the taking, distributing and consumption of finfish from designated portions of the James River and its tributaries. These regulations provide for the enforcement of the prohibitions imposed on the taking of finfish.

1.03 § 2.3. Administration of regulations.

1.03.01 A. The State Board of Health and State Health Commissioner shall have the responsibility to promulgate, amend and repeal these regulations.

1.03.02 B. The State Board of Health and State Health Commissioner shall have the responsibility to review on a quarterly basis the specific data on which these regulations are based and thereafter to amend or repeal as may be appropriate.

1.03.03 C. Commonwealth Attorney The attorney for the Commonwealth, pursuant to § 28.1-180 of the Code of Virginia, is required to prosecute criminal violations without delay.

1.04 § 2.4. Effective date of regulations.

These regulations shall become effective on July 1, 1986.

1.06 § 2.5. Application of the Administrative Process Act.

The provisions of the Virginia Administrative Process Act, Section § 9-6.14:1 et seq. of the Code of Virginia, shall govern the adoption, amendment, modification, and revision, of these regulations, and the conduct of all proceedings involving case decisions hereunder except when there is a lessening of the restrictions placed upon fishing or their usage of the waters subject to this regulation. The commissioner may adopt revisions which allow lessening of such restrictions without applying the provisions of the Administrative Process Act, as provided in § 32.1-248 of the Code of Virginia.

1.09 § 2.6. Severability.

If any provision of these regulations, or the application thereof to any person or circumstances is held to be invalid, such invalidity shall not affect other provisions or application of any other part of these regulations which can be given effect without the invalid provision(s) of these regulations and to this end the provisions of these regulations and the various applications thereof are declared to be severable.

PART III.

Section 3: PROHIBITED ACTS, and Authorized Acts.

2.01 § 3.1. Finfish, and Turtles: Prohibited acts.

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No person shall catch, net or take finfish from the James River or any of its tributaries from the fall line to the mouth of the James River as follows:

3.91.91 Commercial Fishing:
1. Commercial fishing for striped bass and croaker throughout the effective period.

3.91.92 Commercial Fishing:
2. Commercial fishing for eel without a depuration holding period of 50 days.

3.91.93 Commercial Fishing:
3. Commercial fishing for grey trout and bluefish between July 1, and December 31 of each year.

3.91.93 Authorized Acts:
Persons engaged in recreational and commercial fishing may take and keep finfish as follows:

3.91.93.01 Recreational Fishing:
Any person engaged in recreational fishing may catch and keep any finfish within the James River and its tributaries. As a condition for allowing such recreational fishing, hazard warnings for consuming finfish from those areas shall be issued periodically.

3.91.93.02 Commercial Fishing:

3.91.93.03 Catfish; shad, herring and turtles may be taken from the James River and its tributaries during any time period. Eel may be taken from the James River and its tributaries during any time period where such eel are held 60 days for depuration prior to marketing.

3.91.93.04 Except for striped bass, and croaker all other finfish may be caught, netted or taken from the James River and its tributaries between January 1 and June 30.

PART IV.

PENALTIES. Section 4: Penalties:

§ 4.1. Pursuant to § 32.1-27 of the Code of Virginia, violation of this regulation is a Class 1 misdemeanor punishable by a fine or up to $1,000, a jail term of up to one year, or both.

PART V.
Section 5: Expiration of Regulations.

§ 5.1. This regulation shall expire on June 30, 1986 unless earlier rescinded or extended by the Board of Health and State Health Commissioner.

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

Safety and Health Codes Commission


Statutory Authority: § 40.1-22(5) of the Code of Virginia.

Effective Date: June 25, 1986

Summary:


This amendment narrows the standard's definition of "trade secret" and extends access to trade secret information in nonemergency situations to employees and their designated representatives. In addition, two typographical errors in the trade secret access provisions are corrected.

This amendment was prepared in accordance with the Third Circuit's decision in United Steelworkers of America v. Aucuter, 763 F.2d 728 (3rd Cir. 1985). In that decision the Court ordered Federal OSHA to:

(1) Narrow the definition of "trade secret" incorporated into the rule to ensure that it is not broader than applicable state laws, and does not permit chemical identities to be claimed as trade secrets if such identities can be readily discovered through reverse engineering; and

(2) To extend access to trade secret information in nonemergency situations to employees and collective bargaining agents.

In response to the court order, Federal OSHA has amended its trade secret definition to better reflect the nation's common law (i.e. to conform with the widely relied upon definition of "trade secret" found in the Restatement of Torts), and is extending access to trade secret chemical identities to employees and their designated representatives who demonstrate a "need-to-know" the information, and the means to maintain its confidentiality.

Federal OSHA decided to publish an Interim Final Rule rather than seeking public comment prior to implementation because:

(1) The changes are designed to carry out the Third Circuit order;
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(2) The issues have already been extensively commented upon during the lengthy Hazard Communication rulemaking; and

(3) The November 25, 1985, effective date of the standard and the demonstrated need for the standard make it "impracticable, unnecessary and contrary to the public interest" to delay implementation of the trade secret provision or the standard itself.

Federal OSHA estimates that the amendment will add from $1.7 million to $2.5 million to the cost of enforcing the Hazard Communication Standard nationwide (1.1% to 1.6% of the total cost).

Federal Regulation 29 CFR 1953.23(a)(2) requires Virginia to adopt within six months changes to Federal standards in verbatim or to promulgate equivalent changes which are at least as effective as the Federal change. The Virginia Code reiterates this requirement in § 40.1-22(5). Adopting this amendment to 1910.1200 allows Virginia to conform to the federal standard.

Pursuant to Virginia Code § 9-14:4.1(C)(4)(c) this amendment to 1910.1200 may be adopted without further Virginia public participation in the regulatory adoption process.

Editor's Note on Incorporation by Reference

Pursuant to § 9-6.18 of the Code of Virginia, the Virginia Occupational Safety and Health Standards for General Industry, Hazard Communication Standard, is declared a document generally available to the public and appropriate for incorporation by reference. For this reason, it will not be printed in the Virginia Register of Regulations. Copies of this document are available for inspection at the Department of Labor and Industry, 205 North Fourth Street, Richmond, Virginia, and in the office of The Registrar of Regulations, Room 219, General Assembly Building, Capitol Square, Richmond, Virginia.

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for determining equivalency to the vertical elutriator; incorporation of a wage retention provision; exclusion of all mist from the definition of cotton dust; clarification of scope of coverage; and substantial changes to the washed cotton provisions reflecting current research. The standard's permissible exposure limits (PELs) of 200 micrograms per cubic meter (200 ug/m3) for yarn production and 750 ug/m3 for slashing and weaving operations and methods of compliance provisions with preference for engineering controls remain unchanged.

Together the final amendments result in substantial deregulation while maintaining health protection for employees. The changes result in nationwide cost savings of $37.3 million in capital expenditures and $28.8 million per year in annual operating costs. No additional cost or adverse impact on Virginia employers is anticipated.

Changes are being made to the cotton dust standard in textiles to make it more cost effective and performance oriented. Basic provisions are being retained because they have been achieved and have improved the health of cotton textile workers. Both the American Textile Manufacturers Institutes and Amalgamated Clothing and Textile Workers Union generally approve of the cotton dust standard as amended.

Federal Regulation 29 CFR 1953.23(a)(2) requires Virginia to adopt within six months changes to federal standards in verbatim or to promulgate equivalent changes which are at least as effective as the federal change. The Virginia Code reiterates this requirement in § 40.1-22(5). Adopting this amendment to 1910.1043 will allow Virginia to conform to the federal standard.

Pursuant to Virginia Code § 9-14:4.1(C)(4)(c) this amendment to 1910.1043 may be adopted without further Virginia public participation in the regulatory adoption process.

Editor's Note on Incorporation by Reference

Pursuant to § 9-6.18 of the Code of Virginia, the Virginia Occupational Safety and Health Standards for General Industry, Cotton Dust Standard, is declared a document generally available to the public and appropriate for incorporation by reference. For this reason, it will not be printed in the Virginia Register of Regulations. Copies of this document are available for inspection at the Department of Labor and Industry, 205 North Fourth Street, Richmond, Virginia, and in the office of The Registrar of Regulations, Room 215, General Assembly Building, Capitol Square, Richmond, Virginia.
Final Regulations

VR 450-01-0039. Pertaining to Crab Catch Limits.

§ 1. Authority, prior regulations, effective date, and termination date.

A. This regulation is promulgated pursuant to the authority contained in §§ 28.1-23, 28.1-25 and 28.1-168 of the Code of Virginia.

B. Regulation VR 450-01-0007, which also pertains to crab catch limits, establishes a 25-barrel limit for the period December 1 to March 31, of each year.

C. The effective date of this regulation is April 24, 1986.

D. This regulation shall terminate on May 24, 1986.

§ 2. Catch limit.

A. No boat or vessel shall take, catch or have in possession more than 51 bushels or 17 barrels of crabs in any one day.

B. In examining a particular boat's catch, if the law enforcement officer finds crabs in excess of the 51-bushel or 17-barrel limit, the quantity of crabs in excess shall be immediately returned to the water by the person who possessed such crabs. The refusal to return the crabs to the water shall constitute a separate violation of this regulation.

§ 3. Penalty.

As set forth in § 28.1-23 of the Code of Virginia, any person, firm or corporation violating any provision of this regulation shall be guilty of a Class 1 misdemeanor.

Title of Regulation: VR 450-01-8602. Closing of James River Seed Area.

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

Effective Date: June 1, 1986 through October 1, 1986.

NOTE: The Marine Resources Commission is exempted from the Administrative Process Act (§ 9-6.14:4.1 of the Code of Virginia); however, it is required by § 9-6.14:22B to publish the final regulations.

PREAMBLE

The following order of the Marine Resources Commission closes the James River Seed Area to the taking of oysters.

VR 450-01-8602. Closing of James River Seed Area.

§ 1. Authority and effective date:
EMERGENCY REGULATION

VIRGINIA BOARD OF FUNERAL DIRECTORS AND
EMBALMERS

Title of Regulation: Virginia Board of Funeral Directors and Embalmers Public Participation Guidelines.

Effective Date: April 30, 1986

PREAMBLE

Statement of Need and Factual Basis for Emergency Regulations of the Virginia Board of Funeral Directors and Embalmers to set forth Guidelines for Public Participation pursuant to § 8-6.14:7.1 of the Code of Virginia, to solicit the input and involvement of interested parties in the formulation and development of proposed regulations.

These guidelines set forth methods for the identification and notification of interested parties and develop a specific means of seeking input from interested groups including consumer agencies, memorial societies, and professional associations. Provisions include the formation and use of standing committees, ad hoc advisory panels, consulting groups and private individuals registering interest in the conduct of the regulation process of the Virginia Board of Funeral Directors and Embalmers.

It was the intent of the board to incorporate these guidelines as part of the total regulatory package as a result of the regulatory review process. It was later determined that guidelines must be promulgated prior to promulgation of regulations proposed as a result of regulatory review. Delays in the finalization of the board's review process, other board business including reciprocal licensure negotiations, and development of a proposed fee increase have delayed the promulgation of regulations until this point.

This request for filing for emergency promulgation of the Public Participation Guidelines is necessitated due to a requirement that a proposed fee structure increase be instituted and be in effect by November 1, 1986. Should such fees not be in place by the renewal period, the board would be confronted with a deficit in operational revenue by the second half of the biennium.

This request for emergency procedures includes provision of a mechanism for continual public and professional involvement in the finalization of the regulatory review process. All interested parties will have the opportunity to review and comment on the proposed regulations under the terms of the Public Participation Guidelines if they are placed into effect on an emergency basis and become operative immediately. The guidelines will then be submitted for adoption under standing provisions of the Administrative Process Act. Thus, the guidelines themselves will be subject to full public participation. The net outcome will be fully reviewed guidelines and regulations proposed to conclude the process of regulatory review.

/s/ Bernard L. Henderson, Jr., Director

Virginia Department of Health Regulatory Boards
Date: March 7, 1986

/s/ Gerald L. Baillees, Governor
Commonwealth of Virginia
Date: April 30, 1986

/s/ Joan Smith, Registrar of Regulations
Virginia Code Commission
Filed: April 30, 1986 - 4:31 p.m

Virginia Board of Funeral Directors and Embalmers Public Participation Guidelines.

Article XXI.

§ 1. Mailing list.

The executive secretary of the Virginia Board of Funeral Directors and Embalmers will maintain a list of persons and organizations who will be mailed the following documents as they become available:

1. "Notice of intent" to promulgate regulations.

2. "Notice of public hearing" or "informational proceedings," the subject of which is proposed or existing regulations.

3. Final regulations adopted.

§ 2. Being placed on list; deletion.

Any person wishing to be placed on the mailing list may do so by writing the board. In addition, the board may, in its discretion, add to the list any person, organization, or publication it believes will serve the purpose of responsible participation in the formulation or promulgation of regulations. Those on the list will be provided all information stated in § 1. Those on the list may be periodically requested to indicate their desires to continue to receive documents or to be deleted from the list. When mail is returned as undeliverable, or when no timely response is forthcoming, they will be deleted from the list.

§ 3. Notice of intent.

At least 30 days prior to publication of the notice to conduct an informational proceeding as required by § 9-6.14:1 of the Code of Virginia, the board will publish a "notice of intent". This notice will contain a brief and concise statement of the possible regulation or the problem and the regulation would address and invite any person to provide written comment on the subject matter. Such notice shall be transmitted to the Registrar for Inclusion in the Virginia Register of Regulations.

§ 4. Informational proceedings or public hearings for existing rules.

At least once each biennium, the board will conduct an
Emergency Regulation

Informational proceeding, which may take the form of a public hearing, to receive public comment on existing regulations. The purpose of the proceeding will be to solicit public comment on all existing regulations as to their effectiveness, efficiency, necessity, clarity and cost of compliance. Notice of such proceeding will be transmitted to the Registrar for inclusion in the Virginia Register of Regulations. Such proceeding may be held separately or in conjunction with other informational proceedings.

§ 5. Petition for rulemaking.

Any person may petition the board to adopt, amend or delete any regulation. Any petition received in a timely manner shall appear on the next agenda of the board. The board shall have sole authority to dispose of the petition.


At any meeting of the board or subcommittee of the board at which the formulation or adoption of regulations is to occur, the subject matter shall be transmitted to the Registrar for inclusion in the Virginia Register of Regulations.

§ 7. Advisory committees.

The board may appoint advisory committees as it may deem necessary to provide for adequate citizen participation in the promulgation, adoption and review of regulations.
STATE CORPORATION COMMISSION

STATE CORPORATION COMMISSION

Bureau of Insurance

April 30, 1986

Administrative Letter 1986-5

TO: ALL DOMESTIC INSURERS AUTHORIZED TO WRITE LIFE INSURANCE, ANNUITIES, AND/OR ACCIDENT AND SICKNESS INSURANCE; ALL DOMESTIC NONPROFIT LIFE BENEFIT COMPANIES, MUTUAL ASSESSMENT LIFE, ACCIDENT AND SICKNESS INSURERS, BURIAL SOCIETIES AND FRATERNAL BENEFIT SOCIETIES; AND INSURANCE SUPERVISORY OFFICIALS OF THE JURISDICTIONS LISTED HEREIN

SUBJECT: Prohibition Against Insuring Lives or Persons of Residents of States in Which Insurer is not Licensed

Section 38.1-433 of the Code of Virginia will be superseded by § 38.1-3102 effective July 1, 1986. The text of § 38.1-3102 is attached hereto for your reference. This statute prohibits domestic insurers (as described above) from insuring the lives or persons of residents of jurisdictions in which such insurers are not licensed, PROVIDED that such other jurisdiction has a like statute. There are certain exceptions to the basic prohibition, which are fully set out in subsection C of § 38.1-3102.

The only substantive difference between §§ 38.1-433 and 38.1-3102 is that, under the new insurance title, the Commission will no longer be obligated to annually provide you with a list of those jurisdictions in which you would be prohibited from writing life insurance or accident and sickness insurance unless duly licensed to do so by that jurisdiction.

The attached list of “Reciprocal States”, then, is being furnished to you for the last time. Henceforth, you will be responsible for determining whether or not jurisdictions in which you seek to write life insurance or accident and sickness insurance are “Reciprocal States” as defined by § 38.1-3102. The Bureau of Insurance has surveyed the various states and other jurisdictions, and a listing of those which are “Reciprocal States” follows.

This Administrative Letter is also being sent to the Insurance Supervisory Official of each “Reciprocal State”, and we ask them to notify the Bureau of Insurance at any time that they discover violations by any of our domestic insurers with respect to the subject matter hereof.

It is suggested that this Administrative Letter be retained for future reference. Kindly address any questions, in writing, to Gerald A. Milsky, Assistant Commissioner, Life and Health Division, at the above address.

/s/ James M. Thomson
Commissioner of Insurance

JURISDICTIONS DEEMED "RECIPROCAL STATES"
PURSUANT TO § 38.1-3102 (FORMERLY § 38.1-433) OF THE CODE OF VIRGINIA

NOTE: The reciprocal states laws of most states apply to any insurance contract issued upon the life or person of a resident of, or property or operations located in, a reciprocal state. Virginia’s law, however, applies only to contracts issued upon the lives or persons of residents of reciprocal states. Thus, Virginia is “reciprocal” only with regard to life insurance, annuities, and accident and sickness insurance.

JURISDICTION CITATION

ALASKA – (§ 21.69.420, Alaska Statutes)
CALIFORNIA – (§ 705.7, California Insurance Code)
COLORADO – (§ 10-1-121, Colorado Insurance Code)
DELAWARE – (Title 18, § 4835, Delaware Insurance Code)
FLORIDA – (§ 628.291, Florida Insurance Code)
HAWAII – (§ 431-150, Hawaii Insurance Code)
IDAHO – (§ 41-2851, Idaho Insurance Code)
KANSAS – (§ 40-214, Kansas Insurance Code)
MAINE – (Title 24-A, § 3421, Maine Insurance Code)
MARYLAND – (Article 48A, § 275, Maryland Insurance Code)
MICHIGAN – (§ 500.5208(1), Michigan Insurance Code)
MISSISSIPPI – (§ 83-19-89, Mississippi Insurance Code)
MONTANA – (§ 33-3-502, Montana Insurance Code)
NEBRASKA – (§ 44-2501, Nebraska Insurance Code)
NEW MEXICO – (§ 59-34-33, New Mexico Insurance Code)
NORTH CAROLINA – (§ 58-54.27, North Carolina Insurance Laws)
NORTH DAKOTA – (§ 26.1-05-34, North Dakota Insurance Laws)
OHIO – (§ 3905.44, Ohio Insurance Code)
OREGON – (§ 731-454, Oregon Insurance Code)
PUERTO RICO – (§ 2932(3), Puerto Rico Insurance Code)
SOUTH DAKOTA – (§ 58-5-100, South Dakota Insurance Laws)
UTAH – (§ 31-7-13, Utah Insurance Code)
VIRGIN ISLANDS – (Title 22, § 314, Virgin Islands Code)
WASHINGTON – (§ 48.07.150, Washington Insurance Code)

Code of Virginia, as amended Title 38.2, Chapter 31, Article 1

§ 38.1-3102. Domestic insurers prohibited from insuring lives and persons of residents of “reciprocal states” - A. As used in this section, “reciprocal state” means a state whose laws prohibit its domestic insurers from insuring the lives or persons of residents of this Commonwealth unless the insurer is licensed in this Commonwealth. The prohibition may be subject to exceptions similar to those
set forth in subsection C of this section.

B. Subject to the exceptions set forth in subsection C of this section, a domestic insurer shall not enter into an insurance contract upon the life or person of a resident of a reciprocal state unless the insurer is licensed in that state.

C. The following are exceptions to the provisions of subsection B of this section:

1. Contracts entered into when the person insured, or proposed to be insured, is, at the time he signs the application, personally present in a state where the insurer is licensed;

2. Certificates issued under any lawfully issued group life or group accident and sickness policy, when the group policy is entered into in a state where the insurer is licensed;

3. Contracts made pursuant to a pension or retirement plan of an employer, when the contracts are applied for in a state where the employer is personally present or doing business and where the insurer is also licensed; or

4. Contracts renewed, reinstated, converted, or continued in force, with or without modification, that are otherwise lawful and that were not originally executed in violation of this section.
GOVERNOR'S COMMENTS ON PROPOSED REGULATIONS

(Required by § 8-6.14:3.1 of the Code of Virginia)

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Title of Regulation: VII. 115-85-11. Rules and Regulations Pertaining to the Sanitation and Operating Requirements in Retail Food Stores.

Governor's Comment:

I have reviewed the attached rules and regulations governing retail food stores, as proposed by the Department of Agriculture and Consumer Services, and have no objection to the proposed regulations as presented. I draw the attention of the Commissioner to the comments from the Department of Planning and Budget regarding several key definitions, and urge the Department to carefully consider any public comments received on these regulations prior to their final adoption.

/s/ Gerald L. Baliles
Date: April 24, 1986

* * * * * *

DEPARTMENT OF HEALTH


Governor's Comment:

No objections to the proposed regulations as presented.

/s/ Gerald L. Baliles
Date: May 11, 1986

* * * * * *

STATE WATER CONTROL BOARD

Title of Regulation: National Pollutant Discharge Elimination System (NPDES) Permit Program Subpart G, Pretreatment and Industrial User Control Program (Regulation No. 6).

Title of Regulation: Water Quality Standards and Policy for Chlorine in Surface Waters (Section 1:11).

Title of Regulation: Water Quality Standards and Policy for Mercury in Fresh Water (Section 1.10B.2).

Title of Regulation: VR 680-14-01. NPDES General Permit for Sewage Discharges of Less than 1,000 Gallons Per Day.

Title of Regulation: VR 680-14-02. NPDES General Permit for Ground Water Heat Pumps.

Title of Regulation: Basin and Section Description Table (Shenandoah Rivers Sub-basin, Natural Trout Waters Section 5D).

Governor's Comment:

I have reviewed the following regulations under the procedures of Executive Order 51 (84) which was in effect at the time of their original submission:

1. National Pollutant Discharge Elimination System (NPDES) Permit Program Subpart G, Pretreatment and Industrial User Control Program (Regulation Number 6)

2. Water Quality Standards and Policy for Chlorine in Surface Waters (Section 1:11)

3. Water Quality Standards and Policy for Mercury in Fresh Water (Section 1.10B.2)

4. VR 680-14-02. NPDES General Permit for Sewage Discharges of Less than 1,000 Gallons Per Day

5. VR 680-14-01. NPDES General Permit for Ground Water Heat Pumps

6. Basin and Section Description Table (Shenandoah Rivers Sub-basin, Natural Trout Waters Section 5D)

Regulations 1, 3, 4, 5 and 6 appear carefully drawn to reduce administrative burdens and to bring the Board's standards into compliance and conformity with federal and Virginia law. Because of the positive impact and policy considerations addressed by these regulations, I have no objections to these proposals as presented.

I have also reviewed very carefully the regulation regarding chlorine concentration in surface waters. The obvious care with which this regulation was written indicates the Board's sensitivity to the need to protect aquatic life in Virginia's waters from the dangers of high concentrations of chlorine.

Because of the potential impact of this regulation on disinfection processes across the state, I encourage the Board to consider carefully any comments received from the public on this regulation before adopting final regulations. I also encourage the Board to consider the comments of the Department of Planning and Budget.

/s/ Gerald L. Baliles
Date: March 27, 1986

* * * * * *
EXECUTIVE ORDER NUMBER TEN (86)

RESCINDING CERTAIN GUBERNATORIAL MEMORANDA ISSUED BETWEEN 1966 AND 1983

By virtue of the authority vested in me as Governor and subject always to my continuing and ultimate authority and responsibility to act in such matters, I hereby rescind the following twenty-two obsolete executive memoranda and policy memoranda. In each case, subsequent legislative or executive action has superseded the memorandum.

A. The following executive memorandum issued by Governor Mills E. Godwin, Jr. in 1966, is hereby rescinded:

<table>
<thead>
<tr>
<th>DATE ISSUED</th>
<th>SUBJECT</th>
</tr>
</thead>
<tbody>
<tr>
<td>December 13, 1966</td>
<td>Coordination of Agency Office Space</td>
</tr>
</tbody>
</table>

B. The following six executive memoranda issued by Governor Linwood Holton between 1970 and 1973, are hereby rescinded:

<table>
<thead>
<tr>
<th>DATE ISSUED</th>
<th>SUBJECT</th>
</tr>
</thead>
<tbody>
<tr>
<td>May 14, 1971</td>
<td>Revised Charges for State-Owned Aircraft</td>
</tr>
<tr>
<td>July 3, 1973</td>
<td>Automated Data Processing Services</td>
</tr>
<tr>
<td>September 11, 1973</td>
<td>Uniform Statewide Building Code</td>
</tr>
<tr>
<td>November 21, 1973</td>
<td>Response to Gasoline Shortages</td>
</tr>
<tr>
<td>November 27, 1973</td>
<td>General Fund Reversions</td>
</tr>
</tbody>
</table>

C. The following five executive memoranda issued by Governor Mills E. Godwin, Jr. between 1974 and 1977, are hereby rescinded:

<table>
<thead>
<tr>
<th>DATE ISSUED</th>
<th>SUBJECT</th>
</tr>
</thead>
<tbody>
<tr>
<td>May 22, 1974</td>
<td>Automated Data Processing Responsibility</td>
</tr>
<tr>
<td>October 21, 1974</td>
<td>Appropriation Reductions</td>
</tr>
<tr>
<td>January 6, 1975</td>
<td>Policy on Organizational Memberships</td>
</tr>
<tr>
<td>November 1, 1976</td>
<td>Defensive Driving</td>
</tr>
<tr>
<td>July 7, 1977</td>
<td>Overtime Payments</td>
</tr>
</tbody>
</table>

D. The following five executive memoranda issued by Governor John N. Dalton between 1978 and 1980, are hereby rescinded:

<table>
<thead>
<tr>
<th>DATE ISSUED</th>
<th>SUBJECT</th>
</tr>
</thead>
<tbody>
<tr>
<td>September 26, 1978</td>
<td>Disclosure of Economic Interests of Public Officials</td>
</tr>
<tr>
<td>October 23, 1978</td>
<td>Issuance of Policy Memorandum</td>
</tr>
<tr>
<td>July 5, 1979</td>
<td>Initiation of Management Support Program</td>
</tr>
<tr>
<td>March 17, 1980</td>
<td>Simplification of Regulatory Activities Affecting Small Businesses</td>
</tr>
<tr>
<td>December 10, 1980</td>
<td>A Process for the Review and Evaluation of the Management of Virginia's Coastal Resources</td>
</tr>
</tbody>
</table>
Governor

E. The following three policy memoranda issued by Governor John N. Dalton between 1978 and 1980, are hereby rescinded:

<table>
<thead>
<tr>
<th>DATE ISSUED</th>
<th>SUBJECT</th>
</tr>
</thead>
<tbody>
<tr>
<td>October 23, 1978</td>
<td>Annual Review of Agency Grants of Authority</td>
</tr>
<tr>
<td>1979 (date not shown)</td>
<td>Compliance of State Agencies with Title V, Sections 503 and 504 of the Rehabilitation Act of 1973</td>
</tr>
<tr>
<td>May 27, 1980</td>
<td>Utilization of Science and Technology in State Government</td>
</tr>
</tbody>
</table>

F. The following two executive memoranda issued by Governor Charles S. Robb in 1982 and 1983, are hereby rescinded:

<table>
<thead>
<tr>
<th>DATE ISSUED</th>
<th>SUBJECT</th>
</tr>
</thead>
<tbody>
<tr>
<td>July 2, 1982</td>
<td>Allotment Reductions</td>
</tr>
<tr>
<td>March 3, 1983</td>
<td>Policy Document Search</td>
</tr>
</tbody>
</table>

This Executive Order will become effective upon its signing and will remain in full force and effect until amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this thirtieth day of April, 1986.

/s/ Gerald L. Baliles
NOTICES OF INTENDED REGULATORY ACTION

DEPARTMENT FOR THE AGING

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department for the Aging intends to consider the promulgation of regulations entitled: Regulations Implementing Title V of the Older Americans Act and Section 124 of the Job Training Partnership Act. The purpose of the proposed regulations is to determine resource allocations to Virginia's 25 Area Agencies on Aging under Title V of the Older Americans Act (as amended) and Section 124 of the Job Training Partnership Act.

Public hearings will be held. Copies of the proposed regulations to be considered are available after April 14, 1986.


Written comments may be submitted until June 27, 1986.

Contact: William Peterson, Human Resources Developer, Virginia Department for the Aging, 101 N. 14th St., 18th Floor, Richmond, Va., telephone (804) 225-3140.

VIRGINIA ATHLETIC BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Athletic Board intends to consider promulgating, amending, or repealing regulations entitled: Virginia Athletic Board Rules and Regulations. The purpose of this action is to examine existing regulations as to their effectiveness toward safety of contestants. In accordance with the Virginia Athletic Board Public Participation Guidelines, the board will solicit input of all interested parties.

Statutory Authority: §§ 9-46 and 54-1.28 of the Code of Virginia.

Written comments may be submitted until May 30, 1986.

Contact: Doug Beavers, Assistant Director, 3600 W. Broad St., Room 505, Richmond, Va. 23230, telephone (804) 257-8507

DEPARTMENT OF COMMERCE

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Commerce intends to consider promulgating, amending or repealing regulations entitled: Polygraph Examiners Regulations. The purpose of the proposed action is to amend the Standards of Conduct to require polygraph examiners to produce two charts before rendering a conclusion; limit to 12 the number of examinations an examiner may perform in any 24-hour period; limit examiners to three evaluations of examination (deception indicated, no deception indicated and inconclusive); prohibit examiners from making hiring or retention recommendations; prohibit accusatory interrogation as well as knowing coercion and intimidation in employment examinations; prohibit asking questions dealing with the sexual preference or sexual activities of the examinee; limit the number of questions which may be asked on any examination; require a minimum time interval between questions; require each polygraph chart to be marked in a...
specific manner.
Statutory Authority: § 54-917 of the Code of Virginia.

Written comments may be submitted until May 28, 1986.

Contact: David E. Dick, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8515 (toll-free number 1-800-552-3016, Virginia only)

STATE BOARD OF EDUCATION

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Board of Education intends to consider amending regulations entitled: Pupil Accounting Records. The purposes of the proposed action are (I) to clarify the intent and purpose of the regulations; and (ii) to reduce the period of continuous days of absence, expulsion, or suspension after which a pupil must be automatically withdrawn from school.


Written comments may be submitted until June 10, 1986.

Contact: Howell L. Gruver, Administrative Director, M.I.S., Virginia Department of Education, P.O. Box 6Q, Richmond, Va. 23216, telephone (804) 225-2099

VIRGINIA EMPLOYMENT COMMISSION

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Employment Commission intends to consider promulgating, amending or repealing regulations entitled: Rules and Regulations Affecting Unemployment Compensation. The scope of the proposed action is not limited to unemployment compensation matters; rather, it shall cover all phases of the agency's operations. The Commission will receive public comment on existing regulations as to their effectiveness, efficiency, necessity, clarity, and cost compliance and will also receive public comment on the need for any new rules or regulations affecting agency operations.

Statutory Authority: § 60.1-34 of the Code of Virginia.

Written comments may be submitted until June 15, 1986.

Contact: Joseph L. Hayes, Special Assistant, Commission Appeals, Virginia Employment Commission, P.O. Box 1358, Richmond, Va. 23211, telephone (804) 786-7554

VIRGINIA BOARD OF FUNERAL DIRECTORS AND EMBALMERS

Notice of Intended Regulatory Action

Notice is hereby given in accordance with the agency's public participation guidelines that the Virginia Board of Funeral Directors and Embalmers intends to consider promulgating regulations entitled: Rules and Regulations of the Virginia Board of Funeral Directors and Embalmers. The purpose of the proposed action is to begin the promulgative process of board rules and regulations governing funeral practice in the Commonwealth. Substantial amendments and proposals will include: (i) reorganization of regulations in accordance with § 9-6.20 of the Code of Virginia; (ii) deletion of unnecessary, archaic, or duplicative language; (iii) promulgation of public participation guidelines; and (iv) proposal of a fee increase for professional licenses and permits.

Statutory Authority: § 54-260.69 of the Code of Virginia

Written comments may be submitted until May 30, 1986.

Other pertinent information: The board has completed a comprehensive self-study of these rules and regulations in conjunction with the Governor's Regulatory Review Process.

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

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: Hazardous Waste Management Regulations. The purpose of the proposed amendment is in response to changes in the federal regulations governing hazardous waste management promulgated since July 1, 1985, implementing requirements of the Hazardous and Solid Waste Amendments of 1984. The proposed amendment will maintain the Virginia program fully equivalent to the federal Resource Conservation and Recovery Act.

Statutory Authority: Chapter 6, Art. 3 (§ 32.1-177 et seq.)
General Notices/Errata

of Title 32.1 of the Code of Virginia.

Written comments may be submitted until July 1, 1986.

Contact: Wladimir Guilevitch, Director, Bureau of Hazardous Waste Management, 101 N. 14th St., Richmond, Va. 23219, telephone (804) 225-2687 (toll-free number 1-800-552-2075)

STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Council of Higher Education for Virginia intends to consider promulgating regulations entitled: Regulations for the Senior Citizens Higher Education Program. The regulations to be promulgated will stipulate the requirements under which senior citizens may take courses at Virginia's state-supported Institutions of higher education without paying tuition or fees. The Senior Citizens Higher Education Act, as amended in 1984, provides that courses taken for credit are free if a senior citizen has a taxable income of less than $7,500. Noncredit courses may be taken without charge regardless of income. Effective July 1, 1986, institutions may count these enrollments in their census of full-time equivalent students (FTES).


Written comments may be submitted until May 28, 1986.

Contact: Barry M. Dorsey, Associate Director, State Council of Higher Education, James Madison Bldg., 101 N. 14th St., Richmond, Va. 23219, telephone (804) 225-2632

BOARD OF MEDICAL ASSISTANCE SERVICES

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Medical Assistance Services intends to consider promulgating regulations entitled: Real property—definition of the home. The purpose of the proposed regulations is to define the amount of property contiguous to an individual's home which will be disregarded in determining eligibility for Medicaid. In November, 1985, Governor Charles Robb issued emergency regulations effective January 1, 1986. As required by statute, the department proposed to submit these regulations for public comment.

Statutory Authority: § 32.1-325 of the Code of Virginia.

Written comments may be submitted until June 16, 1986.

Contact: Ann E. Cook, Director, Division of Medical Social Services, Department of Medical Assistance Services, 109 Governor St., Richmond, Va. 23219, telephone (804) 786-4995

VIRGINIA STATE BOARD OF MEDICINE

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia State Board of Medicine intends to consider promulgating regulations entitled: Rules and Regulations for the Healing Arts - Foreign Medical Schools and Other Foreign Institutions. The purpose of the regulation is to establish the requirements for approving Foreign Medical Schools and Other Foreign Institutions that teach the Healing Arts. The approval of the institutions will be a prerequisite to licensure of the graduates for those institutions to ensure that they are sufficiently prepared to practice their branch of the Healing Arts competently and safely.

Statutory Authority: § 54.291 of the Code of Virginia.
Written comments may be submitted until May 28, 1986.

Contact: Eugenia K. Dorson, Executive Secretary, 517 W. Grace St., P.O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0575

Notice of Intended Regulatory Action

Notice is hereby given that the Virginia State Board of Medicine intends to consider promulgating, amending or repealing regulations entitled: Rules and Regulations Relating to the Healing Arts for Medicine, Osteopathic Medicine, Podiatry, Chiropractic, Clinical Psychology, Physical Therapy, Physician Assistants, Respiratory Therapy Practitioners, and Correctional Health Assistants. The purpose of the proposed regulations is to establish the requirements for licensure for Doctors of Medicine, Osteopathic Medicine, Chiropractic, Podiatry, Clinical Psychology, and Physical Therapy and certification requirements for Physicians Assistants, Respiratory Therapy Practitioners and Correctional Health Assistants to ensure that the course of instruction provided training sufficient to prepare practitioners to practice their branch of the healing arts with competency and safety in the Commonwealth.

Statutory Authority: § 54-291 of the Code of Virginia.

Written comments may be submitted until May 28, 1986.

Contact: Eugenia K. Dorson, Executive Secretary, 517 W. Grace St., P.O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0575

VIRGINIA BOARD OF PROFESSIONAL COUNSELORS

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency’s public participation guidelines that the Virginia Board of Professional Counselors intends to consider promulgating or repealing regulations entitled: Regulations Governing the Certification of Substance Abuse Counselors. The purpose of the proposed regulations is to establish the requirements for certification as substance abuse counselors in Virginia, to regulate the certification of substance abuse counselors and to discharge the duties required of the board pursuant to § 54-929 of the Code of Virginia in protecting the health, safety, and welfare of the citizens of the Commonwealth.

Statutory Authority: § 54-929 of the Code of Virginia.

Written comments may be submitted until May 28, 1986.

Contact: John W. Braymer, Executive Director, 517 W. Grace St., P.O. Box 27708, Richmond, Va. 23261, telephone (804) 786-7702

VIRGINIA BOARD OF PsYCHOLOGY

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency’s public participation guidelines that the Virginia Board of Psychology intends to consider promulgating or repealing regulations entitled: Regulations Governing the Practice of Psychology. The purpose of the proposed regulations is to establish the requirements for licensure as a psychologist, school psychologist and clinical psychologist in Virginia, to regulate the licensure of psychologists and school psychologists and to discharge the duties required of the board by § 54-929 of the Code of Virginia in protecting the health, safety and welfare of the citizens of the Commonwealth.

Statutory Authority: § 54-929 of the Code of Virginia.

Written comments may be submitted until May 28, 1986.

Other pertinent information: The regulations to be proposed follow a comprehensive review of existing regulations in 1984 and 1985.

Contact: John W. Braymer, Executive Director, 517 W. Grace St., P.O. Box 27708, Richmond, Va. 23261, telephone (804) 786-9434

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency’s public participation guidelines that the Virginia Board of Social Work intends to consider promulgating or repealing regulations entitled: Regulations Governing the Practice of Social Work and Clinical Social Work. The purpose of the proposed regulations is to establish the requirements for licensure as clinical social workers and social workers in Virginia, to regulate the licensure of clinical social workers and social workers and to discharge the duties required of the board pursuant to § 54-929 of the Code of Virginia in protecting the health, safety and welfare of the citizens of the Commonwealth.

Statutory Authority: § 54-929 of the Code of Virginia.

Written comments may be submitted until May 28, 1986.

Other pertinent information: The regulations to be proposed follow a comprehensive review of existing regulations in 1984 and 1985.

Contact: John W. Braymer, Executive Director, 517 W. Grace St., P.O. Box 27708, Richmond, Va. 23261, telephone (804) 786-7703

DEPARTMENT OF TAXATION

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency’s public participation guidelines that the Department of Taxation intends to consider promulgating regulations entitled: VR 630-10-24.5. Computer Software. This regulation will set forth the application of the sales and use tax to computer software and implement the 1986 legislation exempting certain types of computer software from the sales and use tax.


Written comments may be submitted until May 30, 1986.

Contact: Danny M. Payne, Director, Tax Policy Division, Department of Taxation, P.O. Box 6-L, Richmond, Va. 23282, telephone (804) 257-8010

GENERAL NOTICES

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

VIRGINIA ALCOHOLIC BEVERAGE CONTROL BOARD

Notice to the Public

Pursuant to its Public Participation Guidelines contained in § 5.1 of VR 125-01-1, the board intends to consider the amendment or adoption of regulations as set forth below and will conduct a public meeting on such proposals as indicated below:

1. § 3 of VR 125-01-2. Advertising; exterior; signs; trucks; uniforms.
a. Subject of proposal - Amend regulation to permit more than two directional signs not farther than one mile from the licensed establishment.

b. Entities affected - Manufacturers and wholesalers, including wineries and farm wineries.

c. Purpose of proposal - To allow more than two directional signs away from the premises of such winery and farm winery.

d. Issues involved - Is the current restriction of two directional signs not farther than one-half mile from the licensed establishment sufficient for advertising to the general public or would additional advertising cause an unsightly proliferation of signage?

e. Applicable laws or regulations - Sections 4-7(1), 4-11(a), 4-69, 4-98 and 4-103(b) and (c) of the Code of Virginia.

This requested by Virginia Wineries Association.

2. § 9 of VR 125-01-2. Coupons.

a. Subject of proposal - To allow wholesalers of wine and beer to attach refund coupon pads, sweepstakes and contest pads to cut case cards at the retail premises, if done for all retail licensees equally.

b. Entities affected - Manufacturers and distributors of wine and beer, retailers and the general public.

c. Purpose of proposal - This would provide another source for the public to obtain refund coupons or to participate in sweepstakes and contests. Currently, refund coupons may be obtained from the product, in the print media, or by direct mail to the consumer from the manufacturer.

d. Issues involved - Should wholesalers be permitted to provide this additional service for retailers and the general public?

e. Applicable laws or regulations - Sections 4-7(1), 4-11(a), 4-69, 4-98 and 4-103(b) and (c) of the Code of Virginia.


a. Subject of proposal - Amend the regulation to limit the value of wine or beer refund coupons to not more than 50% of the normal retail price.

b. Entities affected - Manufacturers and distributors of wine and beer, retailers and the general public.

c. Purpose of proposal - To limit the value of a refund coupon to not more than 50% of the normal retail price.

d. Issues Involved -

(1) Is it in the best interest of the public to place a limit on the value of refund coupons?

(2) Would a refund of more than 50% of the normal retail price constitute an inducement to purchase alcoholic beverages?

e. Applicable laws or regulations - Sections 4-7(1), 4-11(a), 4-69, 4-98 and 4-103(b) and (c) of the Code of Virginia.

This requested in part by the Virginia Wine Wholesalers Association, Inc.

4. § 2 of VR 125-01-3. Rotation and exchange of stocks of retailers by wholesalers; permitted and prohibited acts.

a. Subject of proposal - Amend regulation to allow wholesale licensees to provide shelf-space plans to retailers on an equal basis.

b. Entities affected - Wholesale and retail licensees.

c. Purpose of proposal - To authorize wholesale licensees to provide a limited service to retail licensees for the purpose of providing schematic drawings outlining proposed shelf and space layout for the retailer.

d. Issues involved - Should this limited service be authorized as a clarification to Circular Letter 84-8?

e. Applicable laws or regulations - Section 4-79 of the Code of Virginia.

5. § 2 of VR 125-01-3. Rotation and exchange of stocks of retailers by wholesalers; permitted and prohibited acts.

a. Subject of proposal - To allow wholesalers to mark or affix retail prices to their products.

b. Entities affected - Wholesale and retail licensees.

c. Purpose of proposal - To permit wholesalers to provide additional services to retailers and further deregulation by the board.

d. Issues involved -

(1) Should wholesalers be permitted to provide further services for retail licensees?

(2) Would this add an additional burden to small wholesalers?

e. Applicable laws or regulations - Section 4-79 of the Code of Virginia.

6. § 6 of VR 125-01-3. Certain transactions to be for cash; "cash" defined; reports by sellers; payments to the board.
a. Subject of proposal - Amend regulation to eliminate the requirement that wholesalers report to the board on or before the fifteenth day of each month any invalid checks received during the preceding month.

b. Entities affected - Wholesalers.

c. Purpose of proposal - To remove a burden on wholesalers to submit such report when no invalid checks were received from retailers.

d. Issues Involved - Should a wholesaler be required to submit an invalid check report to the board when there are no such invalid checks to report to the board?

e. Applicable laws or regulations - Sections 4·7(1), 4-11(a), 4-44, 4-69(b) and (f) of the Code of Virginia.

This requested by Mr. Al Weed, Chairman, Legislative Committee, Virginia Wineries Association.

7. § 2 of VR 125-01-3. Inducement to retailers; tapping equipment; bottle or can openers; banquet licensees; cut case cards.

a. Subject of proposal - Amend to permit a wine wholesaler to exchange wine on an identical quantity, brand or package basis for quality control purposes.

b. Entities affected - Wine wholesalers and retail licensees.

c. Purpose of proposal - To permit wine wholesalers to exchange wine on an identical quantity, brand or package basis for quality control purposes and to ensure that fresh stock is maintained in retail establishments.

d. Issues involved.

Should wine wholesalers be permitted to exchange wine for quality control purposes, now permitted for beer wholesalers?

e. Applicable laws or regulations - Sections 4-7(1), 4-11(a), 4-22.1, 4-33(d), 4-37(e), 4-78, 4-103(b) and 4-115 of the Code of Virginia.

This requested by the Virginia Wine Wholesalers Association, Inc.

8. § 9 of VR 125-01-3. Inducements to Retailers; Tapping Equipment; Bottle or Can Openers; Banquet Licenses; Cut Case Cards.

a. Subject of proposal - Amend regulation to permit the furnishing of wine table tents, wine bottle openers, wine knobs, wine clip-onS, nitrogen gas or compressed air to retail licensees. Also, to permit manufacturers or wholesalers to provide beer cut case cards to retailers as presently provided for wine cut case cards.

b. Entities affected - Wine and beer manufacturers, wholesalers and retail licensees.

c. Purpose of proposal - To clarify and define the limitations and restrictions in which these materials and equipment may be furnished to retailers by manufacturers and wholesalers of alcoholic beverages.

d. Issues involved - Should wholesalers be restricted to the furnishing of such equipment and materials to retailers as presently provided in § 9 of VR 125-01-3?

e. Applicable laws or regulations - Sections 4-7(1), 4-11(a), 4-62.2, 4-78(f) and (h) and 4-98.14 of the Code of Virginia.

This requested in part by the Virginia Beer Wholesalers Association.

9. § 10 of VR 125-01-3. Routine business entertainment; definition; permitted activities; conditions.

a. Subject of proposal - Amend the regulation to permit routine business entertainment by manufacturers to retail licensees and to define such entertainment.

b. Entities affected - Manufacturers, wholesalers and retailers of alcoholic beverages.

c. Purpose of proposal - To permit manufacturers to entartain retailers in a similar manner as wholesalers are permitted to do by § 4-79 (a2) of the Code of Virginia and § 10 of VR 125.01-3.

d. Issues involved - What limits should be placed on entertainment that a licensed manufacturer of alcoholic beverages may furnish to licensed retailers?

e. Applicable laws or regulations - Section 4-79 of the Code of Virginia.

This requested by the Virginia Beer Wholesalers Association, Inc.

10. § 2 of VR 125-01-4. Wines, qualifying procedures, disqualifying factors; samples; exceptions.

a. Subject of proposal - To amend the regulation to permit artificial coloring in wine coolers containing 14% or less alcohol by volume and in sangria-type wines.

b. Entities affected - Manufacturers, wine importers, wholesalers, retailers of wine and the general public.

c. Purpose of proposal - This is simply a housekeeping measure. The board adopted an emergency regulation
effective August 7, 1985, permitting artificial coloring to be added to wine coolers and sangria-type wines.

d. Issues involved - Should manufacturers of wine coolers and sangria-type wines be permitted to add artificial coloring which is now allowed by the federal authorities?

e. Applicable laws or regulations - Sections 4-7(h) and (1), and 4-11(a) of the Code of Virginia.


a. Subject of proposal - To eliminate identification cards issued by a college or university as acceptable identification of proof of age for the purchase of alcoholic beverages.

b. Entities affected - Retail licensees and the general public.

c. Purpose of proposal - To reduce the types of valid identification acceptable by retail licensees as proof of age.

d. Issues involved -

(1) Will the elimination of college and university identification cards reduce the instances of sales of alcoholic beverages to persons less than the legal drinking age?

(2) Will the elimination of such identification cards cause a hardship to those persons not possessing operator's licenses?

(3) Can college and university identification cards be easily altered or forged to procure alcoholic beverages?

e. Applicable laws or regulations - Sections 4-7(1), 4-11(a), 4-62, 4-88.14 and 4-103(b) of the Code of Virginia.


a. Subject of proposal - Amend regulation to eliminate federal, state and municipal bonds in lieu of surety for wholesale wine distributors. Further, amend the section to provide for waiver of bond and surety by wholesale wine distributors.

b. Entities affected - Wholesale wine licensees.

c. Purpose of proposal - To eliminate federal, state and local bonds in lieu of surety bond and authorize the board to waive the requirement of both the surety and the bond in cases where the wholesaler has previously demonstrated his financial responsibility as provided by a change in § 4-31 of the Code of Virginia at the 1986 General Assembly.

d. Issues involved - Whether the board should waive the requirement of both the surety and the bond in cases where the wholesaler has previously demonstrated his financial responsibility.

e. Applicable laws or regulations - Sections 4-7(a), (b) and (1), 4-11(a) and 4-31(g) of the Code of Virginia.


a. Subject of proposal - Amend regulation to require that all persons applying for the issuance or renewal of a wine importer's license shall file with the board a list of the brands of wine they intend to sell and deliver or ship into this state, along with a corresponding list of the owners of such brands and copy of the written permission from the brand owner, or its designated agent. Also, subsequent to the issuance or renewal of a wine importer's license, the licensee shall make a supplemental filing with the board identifying such additional brands, brand owner and providing the required evidence of authorization by the brand owner.

b. Entities affected - Wine importers and wine wholesalers.

c. Purpose of proposal - To eliminate transhipping of wine products. Transhipping is defined as unauthorized persons shipping wine into the state to wholesalers without the brand owner's approval.

d. Issues involved -

(1) Do wine importers and wholesalers need the same safeguards now afforded to beer importers?

(2) Will the proposal prevent "transhipping" or "bootlegging" of wine to wholesalers in Virginia by obtaining a brand of wine and selling it in the state without the permission of the brand owner, which is usually the winery?

Applicable laws or regulations - Sections 4-7(b) and (1), 4-11 and 4-25(g) of the Code of Virginia.

This requested by the Virginia Wine Wholesalers Association.


a. Subject of proposal - Amend regulation to eliminate the requirement of a transportation permit, which is currently required to accompany the shipment of alcoholic beverages or other alcoholic beverages to the permittee.
General Notices/Errata

b. Entities affected - Hospitals, nursing homes, industrial and manufacturing users.

c. Purpose of proposal - To remove a regulatory burden from the shipper or carrier of a transportation permit.

d. Issues Involved -

(1) Will the elimination of the transportation permit to the shipper or carrier create an enforcement problem relating to the control of alcohol or alcoholic beverages coming into or through Virginia?

(2) Will a bill of lading or a complete and accurate memorandum accompanying the shipment of alcohol or alcoholic beverages to the permittee be sufficient as is currently the practice?

(3) Should a copy of the bill of lading or memorandum be submitted to the board by the permittee after delivery?

e. Applicable laws or regulations - Sections 4-7(a), (b) and (1), 4-11(a), 4-18(a) and 4-72.1 B. of the Code of Virginia.


a. Subject of proposal - Amend regulation to eliminate references to "markup" and insert "permit fee" throughout regulation.

b. Entities affected - Hospitals, nursing homes, industrial and manufacturing users.

c. Purpose of proposal - Regulatory clarification as a result of the removal of the board's authority to sell wine.

d. Issues involved - Is the elimination of references to "markup", which applied to wine sales by the board, appropriate since the board no longer has authority to sell wine after June 30, 1986?

e. Applicable laws or regulations - Sections 4-7(a), (b) and (1), 4-11(a), 4-15.02 (effective July 1, 1986) and 4-48(a) of the Code of Virginia.

This is requested by Mr. John R. Metz, Martha Jefferson Hospital, Charlottesville.

16. § 15 of VR 125-01-7. Wholesale alcoholic beverage and beverage sales; discounts, price-fixing; price increases; price discrimination; retailers.

a. Subject of proposal - Amend regulation to allow a winery or brewery to reduce its prices either throughout the Commonwealth or within specific market areas.

b. Entities affected - Wineries, breweries, wholesale and retail licensees, and the general public.

c. Purpose of proposal - To permit wineries and breweries to reduce its prices to wholesalers within specific geographical markets to meet marketing conditions regardless of the existing "competing price" exceptions in the regulations.

d. Issues involved -

(1) Would the reduced prices given to wholesalers in a specific market area be fair to all other wholesalers representing the same winery or brewery?

(2) Are the present exceptions for reduced prices in the current regulations, i.e., a bona fide difference in the cost of sale or delivery, or where a lower price was charged in good faith to meet an equally low price charged by a competing winery or brewery or wholesaler adequate to accommodate the marketplace?

(3) Would the provisions of the Wine and Beer Franchise Acts against discrimination be affected?

e. Applicable laws or regulations - Sections 4-7(1), 4-11(a), 4-18(b), 4-18.12, 4-18.12.1, 4-18.15, 4-18.32, 4-18.33 and 4-18.36 of the Code of Virginia.

This requested in part by Miller Brewing Company.

17. § 17 of VR 125-01-7. Farm Wineries; percentage of Virginia products; other agricultural products; remote outlets.

a. Subject of proposal - Amend regulation to make it clear that a vineyard must be at the site of the winery and to further define a cooperative formed by an association.

b. Entities affected - Farm wineries.

c. Purpose of proposal - To ensure that cooperatives meet the guidelines established for farm winery licensees.

d. Issues involved -

(1) Should cooperatives have to meet the same conditions and restrictions imposed on other farm winery licensees?

(2) Should it be mandatory that a vineyard be located on land owned by or leased by individual members of the cooperative?

e. Applicable laws or regulations - Sections 4-2(10a), 4-11(a) and 4-25.1 of the Code of Virginia.
18. Adopt a new regulation concerning caterer’s licenses.

a. Subject of proposal - Adopt a regulation to provide guidelines and clarification concerning requirements for a mixed beverage caterer’s license.

b. Entities affected - Mixed beverage caterer licensees.

c. Purpose of proposal - To permit and define mixed beverage caterers licenses and qualifications.

d. Issues involved -

(1) To whom should such a license be issued?

(2) What specific restrictions should be placed against such a licensee?

e. Applicable laws or regulations - Section 4-98.2(c) of the Code of the Virginia. (Amended by Senate Bill 254, 1986 General Assembly)

Regulations are adopted by the board pursuant to authority contained in §§ 4-11, 4-98.14, 4-103 and 4-6.14 et seq. of the Code of Virginia.

The board requests that all persons interested in the above described subjects please submit comments in writing by May 29, 1986, to the undersigned, P.O. Box 27491, Richmond, Virginia 23261 or attend the public meeting scheduled below.

The board will hold a public meeting and receive the comments or suggestions of the public on the above subjects. The meeting will be in the First Floor Hearing Room at 2901 Hermitage Road, Richmond, Virginia at 10 a.m. on May 29, 1986.

Contact Robert N. Swinson if you have questions, at the above address or by phone at (804) 257-0617.

Virginia Alcoholic Beverage Control Board
/s/ Robert N. Swinson
Assistant Secretary

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
NOTICE OF MEETING - RR03
NOTICE OF INTENDED REGULATORY ACTION - RR04
NOTICE OF COMMENT PERIOD - RR05
AGENCY RESPONSE TO LEGISLATIVE OR GUBERNATORIAL OBJECTIONS - RR06
THE VIRGINIA CODE COMMISSION

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.

EXECUTIVE

GOVERNOR’S ADVISORY BOARD ON AGING

July 31, 1988 - 8:30 a.m. - Open Meeting
Sheraton Airport Inn, (Hershberger Road West), 2727 Ferndale Drive, Roanoke, Virginia. ⬤

A meeting to discuss issues and topics of relevance to older Virginians. The board will also welcome new board members and provide an orientation to services and programs for older Virginians to these new members.

Contact: William Peterson, Assistant to the Commissioner, Virginia Department for the Aging, 101 N. 14th St., 18th Floor, Richmond, Va. 23219, telephone (804) 225-2271/3140

STATE AIR POLLUTION CONTROL BOARD

† June 8, 1988 - 7:30 p.m. - Open Meeting
Plains Elementary School, Timberville, Virginia. ⬤

Following a 30-day public comment period, a public hearing will be held on a permit application from the Mountain View Rendering Company to construct and operate a poultry rendering plant in Timberville, Virginia, adjacent to the Rocco lamb processing plant.

Contact: Donald L. Shepherd, State Air Pollution Control Board, Suite A, 5338 Peters Creek Road, Roanoke, Va. 24019, telephone (703) 982-7328

† June 17, 1988 - 9 a.m. - Open Meeting
General Assembly Building, Senate Room A, Capitol Square, Richmond, Virginia. ⬤

A meeting to discuss (i) the open burning regulation; (ii) appointments to the Technical Advisory Committee; (iii) a permit request from Rocco Industries; (iv) appointments to the Central Virginia Air Pollution Control Committee; and (v) regulations covering documents incorporated by reference. This is a tentative agenda and may change before the board meeting.

Contact: Dick Stone, State Air Pollution Control Board, P.O. Box 10089, Richmond, Va. 23240, telephone (804) 786-5478

VIRGINIA ALCOHOLIC BEVERAGE CONTROL BOARD

June 3, 1988 - 8:30 a.m. - Open Meeting
June 9, 1988 - 9:30 a.m. - Open Meeting
June 17, 1988 - 9:30 a.m. - Open Meeting
Virginia Alcoholic Beverage Control Board, 2901 Hermitage Road, Richmond, Virginia. ⬤

A meeting to receive and discuss reports on activities from staff members. Other matters not yet determined.

Contact: Robert N. Swinson, 2901 Hermitage Rd., Richmond, Va. 23220, telephone (804) 257-0616

VIRGINIA APPRENTICESHIP COUNCIL

† June 12, 1988 - 10 a.m. - Open Meeting
General Assembly Building, House Room C, Capitol Square, Richmond, Virginia. ⬤

A regular quarterly meeting.

Contact: R. S. Baumgardner, Director of Apprenticeship, Department of Labor and Industry, P.O. Box 12064, Richmond, Va. 23241, telephone (804) 786-2381
STATE BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND CERTIFIED LANDSCAPE ARCHITECTS

Board of Certified Landscape Architects
June 24, 1986 - 9 a.m. - Open Meeting
Department of Commerce, Travelers Building, 5th Floor, 3600 West Broad Street, Richmond, Virginia. [3]

Board members grading exam.

† July 10, 1986 - 9 a.m. - Open Meeting
Department of Commerce, Travelers Building, 5th Floor, 3600 West Broad Street, Richmond, Virginia. [3]

The board will meet (I) to approve minutes of the March 19, 1986, meeting, (II) review applications; and (III) possibly to review regulations.

Contact: Johnsie Williams, Assistant Director, APELSCLA, Department of Commerce, Travelers Bldg., Room 507, 3600 W. Broad St., Richmond, Va. 23220, telephone (804) 257-8512

VIRGINIA AUCTIONEERS BOARD

June 24, 1986 - 9 a.m. - Open Meeting
Department of Commerce, Travelers Building, Conference Room 1, 3600 West Broad Street, Richmond, Virginia. [3]

An open board meeting to consider (I) status of certification examination; (II) development of examination; and (III) complaints.

Contact: Geralde W. Morgan, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23220, telephone (804) 257-8508

VIRGINIA BOARD OF EXAMINERS FOR AUDIOLOGY AND SPEECH PATHOLOGY

† June 3, 1986 - 10 a.m. - Open Meeting
Department of Commerce, Travelers Building, Conference Room 1, 3600 West Broad Street, Richmond, Virginia. [3]

A board meeting to consider (I) reinstatement of temporary permits; (II) update on expenditures, revenue and fees; and (III) to discuss possible legislation on the use of the term “Audiologist.”

Contact: Geralde W. Morgan, Assistant Director, 3600 W. Broad St., Richmond, Va. 23220-0917, telephone (804) 257-8554

INTERDEPARTMENTAL LICENSURE AND CERTIFICATION OF CHILDREN’S RESIDENTIAL FACILITIES

Advisory Committee

June 11, 1986 - 10 a.m. - Open Meeting
Department of Social Services, Blair Building, 2nd Floor, Conference Room A, 8007 Discovery Drive, Richmond, Virginia. [3] Interpreter for deaf provided if requested.

A meeting to (I) elect officers; (II) discuss revision of by-laws; (III) report on After Action Report for Social Workers Visiting Facilities; and (IV) report on establishment of subcommittee to study needs for children removed from their homes.

Coordinating Committee

May 30, 1986 - 2 p.m. - Open Meeting
Department of Corrections, Room 105, 4615 West Broad Street, Richmond, Virginia. [3]

A meeting to discuss (I) interdepartmental training plan; (II) structured interim monitoring strategies for children's residential facilities; and (III) the annual plan.

June 20, 1986 - 8:00 a.m. - Open Meeting
Department of Social Services, Blair Building, 2nd Floor Conference Room, 8007 Discovery Drive, Richmond, Virginia. [3] Interpreter for deaf provided if requested.

A meeting to (I) elect a chairman; (II) discuss preliminary report of facility programs for high risk children; and (III) discuss annual report.

Contact: Sandra G. Davis, Blair Bldg., 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9025

DEPARTMENT OF COMMERCE

May 28, 1986 - 10 a.m. - Open Meeting
May 28, 1986 - 10 a.m. - Open Meeting
Calendar of Events

Fredericksburg Circuit Court, 815 Princess Anne Street, Fredericksburg, Virginia

The department will meet to conduct a formal administrative hearing: Department of Commerce v. Edward E. Cox. This proceeding was continued from March 27-28, 1986.

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

DEPARTMENT OF CONSERVATION AND HISTORIC RESOURCES

Outdoor Recreation Advisory Board

† June 4, 1986 - 9:30 a.m. — Open Meeting
State Capitol, House Room 1, Capitol Square, Richmond, Virginia.

A quarterly business meeting to review matters pertaining to statewide recreation and state park matters.

Contact: Art Buehler, Virginia Division of Parks and Recreation, 1201 Washington Bldg., Richmond, Va. 23219, telephone (804) 786-2556

Virginia Soil and Water Conservation Board

† July 8, 1986 - 2 p.m. — Open Meeting
Blacksburg Marriott Inn, 900 Prices Fork Road, N.W., Blacksburg, Virginia.

A regular bimonthly business meeting.

Contact: Donald L. Wells, 203 Governor St., Suite 206, Richmond, Va. 23219-2094, telephone (804) 786-2064

BOARD OF CORRECTIONS

June 18, 1986 - 10 a.m. — Open Meeting
4615 West Broad Street, Richmond, Virginia.

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 26953, Richmond, Va. 23261, telephone (804) 257-8274

CRIMINAL JUSTICE SERVICES BOARD

Committee on Criminal Justice Information Systems

† June 28, 1986 - 10 a.m. — Open Meeting
Ninth Street Office Building, Governor's Cabinet Conference Room, 6th Floor, 9th & Grace Streets, Richmond, Virginia.

A meeting to discuss projects and business of the committee.

Contact: Dr. Jay W. Maican, Staff Executive, Department of Criminal Justice Services, 805 E. Broad St., Richmond, Va. 23218, telephone (804) 786-4000

VIRGINIA BOARD OF DENTISTRY

May 29, 1986 - 9 a.m. — Open Meeting
Department of Health Regulatory Boards, Board Room, 517 West Grace Street, Richmond, Virginia

A formal hearing on Doctors Grover C. Hill, Jr., Kent M. Stevens and James W. Dale. (Date changed from April 29 to May 29).

July 30, 1986 - 2 p.m. — Open Meeting
July 31, 1986 - 9 a.m. — Open Meeting
Sheraton Hotel, Ball Room, 4700 South Laburnum Avenue, Richmond, Virginia.

The board will consider proposed changes to the regulations governing the practice of dentistry and dental hygiene heard at its public hearing on April 10, 1986.

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

DEPARTMENT OF GENERAL SERVICES

Art and Architectural Review Board

† June 8, 1986 - 10 a.m. — Open Meeting
Virginia Museum of Fine Arts, Main Conference Room, Boulevard and Grove Avenue, Richmond, Virginia.

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, Room 209, Ninth Street Office Bldg., Richmond,
Calendar of Events

DEPARTMENT OF HEALTH

† July 15, 1986 - 10 a.m. - Open Meeting
Abingdon Council Chambers, 133 West Main Street, Abingdon, Virginia. 🗓️
† July 16, 1986 - 10 a.m. - Open Meeting
Roanoke Council Chambers, 215 Church Street, S.W., Roanoke, Virginia. 🗓️
† July 17, 1986 - 10 a.m. - Open Meeting
Warrenton Council Chambers, Municipal Building, 18 Court Street, Warrenton, Virginia. 🗓️
† July 18, 1986 - 10 a.m. - Open Meeting
Williamsburg/James City Court House, 321-45 Court Street, West, Williamsburg, Virginia. 🗓️

This joint meeting/workshop is being held by the State Water Control Board and the Department of Health in order to discuss with the public proposed amendments to the Commonwealth of Virginia Sewerage Regulations. The joint regulations originally became effective on February 1, 1977, and these amendments primarily reflect advances in technology including ultraviolet light irradiation, composting, and rotating biological reactors and significant revisions to sections on land application of sludge, application of wastewater, aerated lagoons, disinfection, and sludge handling processes. Drafts of the regulations are available upon request. Comments may also be submitted in writing through July 18, 1986.

Contact: Paul Farrell, Department of Health, Division of Water Programs, Madison Bldg., Room 927, 109 Governor St., Richmond, Va. 23219, telephone (804) 786-1758

VIRGINIA STATEWIDE HEALTH COORDINATING COUNCIL

May 30, 1986 - 1 p.m. - Public Hearing
James Madison Building, Main Floor Conference Room, 109 Governor Street, Richmond, Virginia. 🗓️

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Statewide Health Coordinating Council intends to amend regulations entitled: Virginia State Health Plan 1980-84: Magnetic Resonance Imaging; Virginia State Health Plan 1980-84, Amendment Number 4, Volume 1, pp. 525, 533-540, 545, 547-549 and Volume 2, pp. 153-183. These standards evaluate Certificate of Public Need applications to establish or expand computed tomography or magnetic resonance imaging services.

STATEMENT

Basis: Section 32.1-120 of the Code of Virginia authorizes the Virginia Statewide Health Coordinating Council to revise as necessary the State Health Plan, which contains both nonregulatory and regulatory material. Related laws include § 32.1-102.1, et seq. of the Code of Virginia and
the National Health Planning and Resources Development Act of 1974 (P.L. 93-641), as amended.

**Purpose:** The purpose of these proposed regulations is to contain the cost of health care in Virginia by promoting an efficient distribution of efficacious computed tomography and magnetic resonance imaging services, consistent with the population's needs for reasonable access to such services.

These regulations are expected to reduce the cost of complying with the Medical Care Facilities Certificate of Public Need law by setting forth specific standards and criteria for the evaluation of applications. The regulations are intended to avoid the high cost of preparing and analyzing superfluous and subjective information that would otherwise be submitted to defend a project, and to avoid the preparation and analysis of applications for projects that would not normally be approved.

**Summary:** Computed tomography (CT) and magnetic resonance imaging (MRI) services are highly sophisticated technologies by which cross-sectional images of the human anatomy may be constructed with the assistance of computer analysis. Under state law, a medical care facility may not acquire or place in service a CT or MRI device without obtaining a Certificate of Public Need. A major reference document pertaining to the evaluation of Certificate of Public Need applications is the State Health Plan, as amended, which presently contains standards specific to CT and MRI services. Considerable experience with these technologies has been gained, however, since the promulgation of those standards.

The proposed new standards are the result of a review of recently published information on CT and MRI services as well as information provided by an ad hoc advisory panel of interested parties consistent with the council's Guidelines for Public Participation in the Development of Regulations. This information led to a number of proposed changes that would focus the regulations primarily upon efficient use of resource capacity, logical distribution of resources, and efficacy of operations.

Proposed deletions from the present CT standards are requirements that all applicants must be hospitals that (alone or in combination with other health service providers) offer 24-hour ER services with physician on duty, offer a radiology department that has at least three full-time radiologists and performs at least 30,000 examinations annually, and have active nuclear medicine and ultrasound facilities that are effectively utilized.

Two other current CT standards are proposed to be deleted. These require the proposed owner to provide written assurances that CT services will be available for emergency cases at all times, and that no patient referred for an Indicated study will be denied timely access to the service. The proposed standards would require supervision of a CT service by one or more qualified physicians rather than by radiologists.

The current CT standards require a projected annual utilization of 2,500 HECTs (Head EquipmentComputed Tomograms) as a condition of approval, but do not specify how that projection is to be derived. The proposed standards would set forth a specific formula for projecting HECTs and would raise the required number to 3,000.

Since the present CT standards were developed prior to the introduction of MRI services, they fail to address the impact of one upon the other. The American Hospital Association estimates that at least 34% of current CT service volume will be replaced by MRI. Accordingly, the proposed regulations preclude the addition of a stationary CT scanner to an existing CT service if the facility also offers MRI services (or is approved to do so), but whose MRI services have not been in operation for at least one year.

Three elements of the current MRI standards are proposed to be deleted. First, the site would no longer need to be a hospital; however, the service would have to be under the operational control of one or more hospitals that meet standards similar to those currently required. Second, there would no longer be a restriction of actions by parties to a previous shared service agreement. Third, there would no longer be a reduced standard for placement for an MRI device at a hospital with an AMA-accredited residency training program in diagnostic radiology that proposes to perform a significant amount of MRI work within a formal investigational program.

**Impact:** These regulations would apply to any medical care facility desiring to establish or expand CT or MRI services. While general hospitals are the most likely such facilities (they numbered 108 as of January, 1986), a small number of private physicians' offices could also be affected. These regulations will expand opportunities for small businesses interested in providing CT and MRI services compared with such opportunities under the current regulations, primarily through recognition of mobile

**Statutory Authority:** § 32.1-120 of the Code of Virginia.

Written comments may be submitted until May 30, 1986

**Contact:** John P. English, Health Planning Consultant, Madison Bldg., Room 1010, 109 Governor St., Richmond, Va. 23219, telephone (804) 786-4891

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**BOARD ON HEALTH REGULATORY BOARDS (COUNCIL ON HEALTH REGULATORY BOARDS)**

*Eff. 7/1/86*

† June 12, 1986 - 10 a.m. – Public Hearing

General Assembly Building, House Room D, Richmond, Virginia. Interpreter for deaf provided if requested.

Pursuant to HJR 12 of the 1986 General Assembly, the
Board on Health Regulatory Boards will hold an informational hearing relative (i) to its study of the need to regulate technicians who operate x-ray machines; (ii) to review the necessary minimum education requirements for x-ray technicians who perform their duties under the supervision of individuals licensed by the boards of Medicine, Dentistry, and Veterinary Medicine; and (iii) to discuss the feasibility of initiating accreditation based on work experience; and of creating three distinct classes of x-ray technicians for dental, medical, and veterinary practice. The public is invited to appear at this hearing to present testimony and/or to submit written comments by June 30, 1986, to Richard D. Morrison.

† June 12, 1986 - 1 p.m. - Public Hearing
General Assembly Building, House Room D, Richmond, Virginia. Interpreter for deaf provided if requested.

Pursuant to HJR 150 of the 1986 General Assembly, the Board on Health Regulatory Boards will hold an informational hearing on the need for regulating dietitians and nutritionists in the Commonwealth. The public is invited to appear at this hearing to present testimony and/or to submit written comments by June 30, 1986, to Richard D. Morrison.

† July 15, 1986 - 1:30 p.m. - Open Meeting
Virginia Center for Health Affairs, 4200 Innslake Drive, Glen Allen, Virginia. Interpreter for deaf provided if requested.

A regular quarterly meeting of the Council (formerly Board) on Health Regulatory Boards. The agenda will include discussion and adoption of new committee structures and appointments of council members to standing and ad-hoc committees.

Contact: Richard D. Morrison, Department of Health Regulatory Boards, P.O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0822

VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL

May 26, 1986 - 9:30 a.m. - Open Meeting
Virginia Hospital Association Headquarters, 4200 Innslake Drive, Glen Allen, Virginia.

A monthly business meeting of the council for the purpose of addressing financial, policy or technical matters which may have arisen since the last meeting.

Contact: Ann Y. McGee, Director, 9th Floor, 805 E. Broad St., Richmond, Va. 23219, telephone (804) 786-6371

STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

June 4, 1986 - 9 a.m. - Open Meeting
James Monroe Building, 9th Floor Conference Room, 101 North 14th Street, Richmond, Virginia.

A monthly council meeting. The agenda will be available on request.

Contact: Grace I. Lessner, 9th Floor, 101 N. 14th St., Richmond, Va. 23219, telephone (804) 225-2638

VIRGINIA DEPARTMENT OF HIGHWAYS AND TRANSPORTATION

† June 12, 1986 - 9 a.m. - Public Hearing
Salem District Highway Department Building, 731 Harrison Street (off Route 460), Salem, Virginia. Interpreter for deaf provided if requested.

A public hearing to receive comments from the four western highway districts on highway allocations for the coming year and one updating the six-year improvement program for the interstate, primary and urban systems.

† June 19, 1986 - 9 a.m. - Public Hearing
Virginia Department of Highways and Transportation, Auditorium, 1221 East Broad Street, Richmond, Virginia. Interpreter for deaf provided if needed.

A public hearing to receive comments from the five 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.

† June 18, 1986 - 10 a.m. - Open Meeting
Virginia Department of Highways and Transportation, Annex Building, Board Room, 1401 East Broad Street, Richmond, Virginia. Interpreter for deaf provided if requested.

Monthly meeting of the Virginia Department of Highways 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: Albert W. Coates, Jr., Virginia Department of Highways and Transportation, 1401 E. Broad St., Richmond, Va., telephone 804-786-9850

VIRGINIA STATE LIBRARY BOARD

† June 24, 1986 - 11 a.m. - Open Meeting
Calendar of Events

Virginia State Library, State Librarian's Office, 11th Street at Capitol Square, Richmond, Virginia. 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

VIRGINIA'S LONG-TERM CARE COUNCIL

July 24, 1988 • 11:30 a.m. - Open Meeting
James Monroe Building, Conference Room E, 101 North 14th Street, Richmond, Virginia. Interpreter for the deaf provided if requested.

A meeting to discuss issues relevant to the development and provision of long-term care services in the Commonwealth. The council will also hear a report on the development of a statewide uniform intake, assessment, and tracking mechanism for use by all publicly-funded human services agencies.

Contact: Catherine Saunders, Staff, Virginia Department for the Aging, 18th Floor, 101 N. 14th St., Richmond, Va. 23219-2797, telephone (804) 225-2271/2912

VIRGINIA MARINE PRODUCTS BOARD

June 10, 1986 - 5 p.m. - Open Meeting
Ramada Inn, Room 4, Route 17, Newport News, Virginia

The board will meet to receive reports from the executive director of the Virginia Marine Products Board on finance, marketing, past and future program planning, publicity/public relations, old/new business.

Contact: Shirley Estes Berg, P.O. Box 1248, Newport News, Va. 23601, telephone (804) 599-7261

MARINE RESOURCES COMMISSION

May 27, 1986 • 2:30 p.m. - Open Meeting
2401 West Avenue, Newport News, Virginia

The Marine Resources Commission normally meets on the fourth Tuesday each month, at 2:30 p.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.

Contact: Virginia S. Chappell, Secretary to the Commission, Marine Resources Commission, P.O. Box 756, Newport News, Va. 23607, telephone (804) 247-2208

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (Board of)

June 10 - 10 a.m. - Open Meeting
James Madison Building, 13th Floor Conference Room, 109 Governor Street, Richmond, Virginia

A board meeting to (i) approve minutes of the March 11 meeting; (ii) discuss State Plan amendments on exception to 21-day limit; Co-operative Agreements between Title XIX and Title IV-D; Nursing Home/Hospital Reimbursement Plan changes; and (iii) other business pertinent to the board.

Contact: Jacque M. Fritz, Department of Medical Assistance Services, Suite 800, 109 Governor St., Richmond, Va. 23219, telephone (804) 786-7933

VIRGINIA STATE BOARD OF MEDICINE

May 27, 1986 • 2:30 p.m. - Open Meeting
Valley Community Services Board, Waynesboro, Virginia

The Executive Committee of the Board of Medicine will meet in open and closed session to conduct general business and to review case decisions.

Contact: Eugenia K. Dorson, Executive Secretary, 517 W. Grace St., P.O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0575

BOARD OF MENTAL HEALTH AND MENTAL RETARDATION

May 28, 1986 • 10 a.m. - Open Meeting
Valley Community Services Board, Waynesboro, Virginia

A regular monthly meeting. The agenda will be published on May 21, and may be obtained by calling Jane Helfrich.

Contact: Jane V. Helfrich, State Mental Health and Mental Retardation Board Secretary, P.O. Box 1797, Richmond, Va. 23214, telephone (804) 786-3921
DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION

May 28, 1988 - 9 a.m. - Open Meeting
Eastern State Hospital, Education Building No. 3, Williamsburg, Virginia.

A public forum conducted by the Virginia Bar Association and the Department of Mental Health and Mental Retardation on two proposals concerning surrogate treatment decision-making.

Contact: Carol Singer-Metz, Director, Mental Retardation Services, Department of Mental Health and Mental Retardation, P.O. Box 1797, Richmond, Va. 23214, telephone (804) 786-1746

Interagency Coordinating Council
† May 27, 1988 - 1:30 p.m. - Open Meeting
Commission for the Visually Handicapped, 397 Azalea Avenue, Richmond, Virginia.

A monthly meeting of the council concerning Delivery of Related Services to Handicapped Children.

Contact: Dr. Michael Fehr, Department of Mental Health and Mental Retardation, P.O. Box 1797, Richmond, Va. 23214, telephone (804) 786-3710

DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION; UNIVERSITY OF VIRGINIA INSTITUTE OF LAW, PSYCHIATRY AND PUBLIC POLICY; DIVISION OF CONTINUING EDUCATION, AND OFFICE OF CONTINUING MEDICAL EDUCATION

May 28, 1988 - Open Meeting
May 30, 1988 - Open Meeting
Colonial Williamsburg Conference Center, Williamsburg, Virginia.

Ninth Annual Symposium on Mental Health and the Law

An annual symposium addressing issues related to mental health and the law. 8.5 hours in Category 1 and 1.2 CEU credits applied for.

Contact: Lynn Daidone, Administrator, Institute of Law, Psychiatry and Public Policy, Blue Ridge Hospital, Box 100, Charlottesville, Va. 22901, telephone (804) 924-5435

DEPARTMENT OF MOTOR VEHICLES

† June 4, 1988 - 9 a.m. - Open Meeting
† June 5, 1988 - 9 a.m. - Open Meeting
† June 6, 1988 - 12 Noon - Open Meeting
Airfield 4-H Center, Wakefield, Virginia

A project committee will conclude preparation of recommended revisions to the Motor Vehicle Dealer Licensing Act.

Contact: Joe Chandler, Committee Chairman, Department of Motor Vehicles, 2300 W. Broad St., Richmond, Va. 23220, telephone (804) 257-0463

STATE BOARD OF EXAMINERS FOR NURSING HOME ADMINISTRATORS

June 12, 1988 - 9 a.m. - Open Meeting
Department of Commerce, Travelers Building, Conference Room 2, 3600 West Broad Street, Richmond, Virginia.

An open board meeting to (i) administer examinations; (ii) consider complaints; (iii) discuss state written exam; and (iv) regulatory review.

Contact: Geralde W. Morgan, Assistant Director, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8508

VIRGINIA BOARD OF OPTOMETRY

May 28, 1988 - 9:30 a.m. - Open Meeting
May 29, 1988 - 9:30 a.m. - Open Meeting
Williamsburg Hilton, 1st Floor, Room 4, 50 Kingsmill Road, Williamsburg, Virginia.

A general business meeting and review of the state board examination.

July 18, 1988 - 8 a.m. - Open Meeting
R. Blackwell Smith Pharmacy Building, 410 North 12th Street, Richmond, Virginia.

The board will administer the State Practical Examination.

July 17, 1988 - 9 a.m. - Open Meeting
Department of Health Regulatory Boards, Board Room, 517 West Grace Street, Richmond, Virginia

A general business meeting.

Contact: Moria C. Lux, Executive Director, Virginia Board of Optometry, P.O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0131
Calendar of Events

VIRGINIA OUTDOORS FOUNDATION
† June 11, 1986 - 10:30 a.m. - Open Meeting
State Capitol, House Room 1, Richmond, Virginia. ős

A general business meeting.

Contact: Tyson B. VanAuken, 221 Governor St., Richmond, Va. 23219, telephone (804) 786-5539

STATE PERINATAL SERVICES ADVISORY BOARD
June 12, 1986 - 12:30 p.m. - Open Meeting
James Madison Building, Main Floor Conference Room, 109 Governor Street, Richmond, Virginia. ė

A regular meeting of the board. The agenda will be provided upon request two weeks prior to the meeting.

Contact: Alice S. Linyear, M.D., Director, Bureau of Maternal and Child Health, 6th Floor, 109 Governor St., Richmond, Va. 23219, telephone (804) 786-7367

STATE BOARD OF PHARMACY
June 24, 1986 - 8 a.m. - Open Meeting
June 25, 1986 - 8 a.m. - Open Meeting
Richmond Marriott Hotel, 500 East Broad Street, Richmond, Virginia. ē

Board examinations and board meeting.

Contact: J. B. Carson, Executive Director, 517 W. Grace St., P.O. Box 27708, Richmond, Va. 23281, telephone (804) 786-0182

BOARD OF COMMISSIONERS TO EXAMINE PILOTS
June 18, 1986 - 10 a.m. - Open Meeting
Haster and Company, 121 Tazewell Street, Norfolk, Virginia

The board will meet to conduct routine business.

Contact: David E. Dick, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8515/8463 OR William L. Taylor, Clerk of the Board, 3329 Shore Dr., Virginia Beach, Va. 23451, telephone (804) 486-0985

POLYGRAPH EXAMINERS ADVISORY BOARD
† June 17, 1986 - 10 a.m. - Open Meeting
Department of Commerce, Travelers Building, 3600 West Broad Street, 5th Floor, Richmond, Virginia. ő

A meeting to review regulations and routine business.

† July 29, 1986 - 10 a.m. - Open Meeting
Department of Commerce, Travelers Building, 3600 West Broad Street, 5th Floor, Richmond, Virginia. ő

The board will meet for the purpose of administering the Virginia Polygraph Examiner Licensing Examination to eligible licensed Examiner Interns, and to determine and record results.

Contact: Iva B. Frizzell, 3600 W. Broad Street, Richmond, Va. 23230, telephone (804) 257-8515/8563

VIRGINIA REAL ESTATE BOARD
May 28, 1986 - 10 a.m. - Open Meeting
Department of Commerce, Travelers Building, 5th Floor, Conference Room 1, 3600 West Broad Street, Richmond, Virginia. ē

The board will meet to conduct a formal administrative hearing: Virginia Real Estate Board v. Lloyd N. Dallas.

May 29, 1986 - 10 a.m. - Open Meeting
Department of Commerce, Travelers Building, 5th Floor, Conference Room 1, 3600 West Broad Street, Richmond, Virginia. ē

The board will meet to conduct a formal administrative hearing: Virginia Real Estate Board v. Walter H. Loving.

June 9, 1986 - 10 a.m. - Open Meeting
June 10, 1986 - 10 a.m. - Open Meeting
Holiday Inn-Waterside, Elizabeth Room, 700 Monticello Avenue, Norfolk, Virginia

The board will meet to conduct a formal hearing: Virginia Real Estate Board v. Robert W. Horton, Jr.

June 12, 1986 - 10 a.m. - Open Meeting
June 12, 1986 - 10 a.m. - Open Meeting
Massey Building, Board of Supervisors Room, A Level, 4100 Chain Bridge Road, Fairfax, Virginia

The board will meet to conduct a formal hearing: Virginia Real Estate Board v. David R. Kline.

June 18, 1986 - 10 a.m. - Open Meeting
June 19, 1986 - 10 a.m. - Open Meeting
June 20, 1986 - 10 a.m. - Open Meeting
Chesapeake Circuit Court, Courtroom 3, 300 Cedar Road, Chesapeake, Virginia

The board will meet to conduct a formal hearing: Virginia Real Estate Board v. John Henry Martin. This proceeding was continued from April 23-24, 1986.
STATE SEWAGE HANDLING AND DISPOSAL APPEALS REVIEW BOARD

May 28, 1986 - 9 a.m. – Open Meeting
James Monroe Building, Conference Room C, 101 North 14th Street, Richmond, Virginia. [5]

June 25, 1986 - 9 a.m. – Open Meeting
James Monroe Building, Conference Room E, 101 North 14th Street, Richmond, Virginia. [5]

To hear and render a decision on all Appeals of Denials of On-Site Sewage Disposals System Permits.

Contact: P.M. Brooks, 502 Madison Bldg., Richmond, Va. 23219, telephone (804) 786-1801

VIRGINIA SMALL BUSINESS FINANCING AUTHORITY

June 17, 1986 - 9 a.m. – Open Meeting
General Assembly Building, House Room C, Capitol Square, Richmond, Virginia. [5]

The authority will conduct a public hearing to consider Industrial Development Bond applications received by the authority and, for which public notice has appeared in the appropriate newspapers of general circulation. Prior to the public hearing, which starts at 10 a.m., the authority will conduct its regular business meeting.

Contact: Nic Walker, Executive Director, Virginia Small Business Financing Authority, 1000 Washington Bldg., Richmond, Va. 23219, telephone (804) 786-3791

†August 14, 1986 - 9 a.m. – Open Meeting
General Assembly Building, House Room C, Capitol Square, Richmond, Virginia. [5]

The authority will conduct a public hearing to consider Industrial Development Bond applications received by the authority, and for which public notice has appeared in the appropriate newspapers of general circulation. Prior to the public hearing, which starts at 10 a.m., the authority will conduct its regular business meeting.

Contact: Nic Walker, Executive Director, Virginia Small Business Financing Authority, 1000 Washington Bldg., Richmond, Va. 23219, telephone (804) 786-3791

BOARD OF SOCIAL SERVICES

†June 18, 1986 - (Time to be announced) – Open Meeting
†June 19, 1986 - (Time to be announced) – Open Meeting
†July 10, 1986 - (Time to be announced) – Open Meeting
†July 17, 1986 - (Time to be announced) – Open Meeting
Department of Social Services, Blair Building, 8007 Discovery Drive, Richmond, Virginia. [5]
The 1986 Appropriations Act mandates the Department of Social Services implement the provisions of Senate Bill 605 and House Bill 473 in the determination of eligibility for assistance pursuant to § 63.1-25 of the Code of Virginia.

Purpose: The purpose of the proposed regulation is to modify the restriction on real property to be disregarded as the "home" in the determination of eligibility for assistance in the Aid to Dependent Children (ADC) Program.

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

Written comments may be submitted until July 12, 1986, to 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, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9046.

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June 2, 1986 - 9 a.m. - Public Hearing
Richmond Regional Office, Wythe Building, Conference Rooms A and B, 1604 Santa Rosa Road, Richmond, Virginia

June 2, 1986 - 10 a.m. - Public Hearing
City Hall Building, Council Chambers, 11th Floor, 810 Union Street, Norfolk, Virginia

June 2, 1986 - 1 p.m. - Public Hearing
Roanoke Regional Office, Commonwealth Building, Conference Room Suite 100, 210 Church Avenue S.W., Roanoke, Virginia

June 4, 1986 - 2 p.m. - Public Hearing
Northern Virginia Regional Office, 2nd Floor Training Room, 11166 Main Street, Fairfax, Virginia

June 6, 1986 - 10 a.m. - Public Hearing
Valley Regional Office (behind the Corner Parts building), Conference Room, Route 612, Verona, Virginia

June 6, 1986 - 1 p.m. - Public Hearing
Southwest Regional Office, Conference Room, 190 Patton Street, Abingdon, Virginia

July 14, 1986 - 9:30 a.m. - Public Hearing
Blair Building, Conference Room A, 8007 Discovery Drive,
Richmond, Virginia.

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: VR 615-08-1, Virginia Fuel Assistance Program. Increase the age limit in the voluntary quit eligibility criteria; change the five geographic regions to six climate zones; add an eligibility criteria in ECAP and change one of the mandated type of assistance to optional one and lower the administrative cost reimbursement ceiling.

STATEMENT

Substance: The Department proposes to amend the program to:

1. Increase the age from 16 to 18 years under the voluntary quit provision so that dependent children under 18 could quit their jobs and it would have no effect on the household’s eligibility for fuel assistance or ECAP.

2. Change the five geographic areas used for benefit levels to the six climate zones developed by the National Oceanic and Atmospheric Administration. The recognized climate zones will effect some local departments of social services because they will be placed in different regions than they were in previous years.

3. Make two changes to the Energy Crisis Assistance Program (ECAP):

A. The addition of an eligibility criteria will mean that only those households who have changes in their circumstances beyond their control will be eligible for ECAP for payment of their electric bills or heat-related security deposits.

B. Changing emergency repairs of a dwelling to prevent heat loss from mandatory to optional type of assistance. This will mean that local departments of social services will not be required to provide this type of assistance, but may do so if they wish.

4. Lower the ceiling on administrative cost reimbursement from 150% to 125% of the average administrative cost per case. This will mean that some local department of social services will not be reimbursed for all their expenditures.

Purpose: The purpose of each amendment is as follows:

1. The age of the voluntary quit provision is being raised so that the employment habits of dependent children under 18 will have no effect on the household’s eligibility for fuel assistance or ECAP.

2. Changing the geographic areas to coincide with the recognized climate zones will ensure that all counties and cities of the Commonwealth are placed in areas that are more realistically in line with their climates.

3. ECAP

A. Adding another eligibility criteria to the ECAP component will reduce the ECAP expenditures and ensure that ECAP is only provided to those most in need.

B. Changing emergency repairs to an optional component must be done because of the unavailability of the service in some localities and because it usually cannot be accomplished for $200 or less.

4. The administrative cost reimbursement ceiling must be lowered because of federal reductions in the grant.

Written comments may be submitted until July 11, 1986.

Contact: Charlene Chapman, Supervisor, Energy and Emergency Assistance, Division of Benefit Programs, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9046 (toll-free number 1-800-552-7091)

Division of Child Support Enforcement

† July 26, 1986 - Written comments may be submitted until this date.

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 Child Support Enforcement, intends to amend regulations entitled: VR 615-70-1, State Income Tax Intercept for Child Support. The proposed regulation allows the Department of Social Services to intercept state income tax refunds for payment of certain debts.

STATEMENT

Subject: This regulation is to accommodate federal regulation 45 CFR 303.102, Collection of Overdue Support by State Income Tax Refund Setoff Process pursuant to Article 21 (§ 58.1-520 and seq.) of Chapter 3 of Title 58.1 of the Code of Virginia. Federal regulation 45 CFR 303.102 was effective October 1, 1985.

Substance: The Setoff Debt Collection Act set out in Article 21 (§58.1-520 and seq.) of Chapter 3 of Title 58.1 of the Code of Virginia allows a claimant agency to intercept state income tax refunds for payment of debts. A claimant agency is an administrative unit of state government such as a department. The Department of Social Services certifies cases to the Department of Taxation to satisfy a debt owed for public assistance paid or to collect overdue support payments for an applicant for support enforcement services.

Issues: Federal regulation 45 CFR 303.102, effective October 1, 1985, gave states the option of applying intercepted state tax refunds to satisfy a debt due the
Calendar of Events

Commonwealth or to satisfy arrearages due the custodial parent. This can happen when an applicant for services has been a recipient of public assistance and a debt owed to the Commonwealth was never satisfied. The Department of Social Services has chosen to satisfy first the debt owed the Commonwealth in these situations. The amount of money the Commonwealth will recoup is not known, as it is impossible to know how many applicants for services have received public assistance in the past. However, it is the consensus of the Board of Social Services and the Department of Social Services that money owed the taxpayer should be paid before satisfying other arrearage amounts.

Basis: The proposed regulation has been developed pursuant to the provisions of Title 63.1 of the Code of Virginia and the Setoff Debt Collection Act and 45 CFR 303.102 of the Code of Federal Regulations.

Purpose: The purpose of proposing this regulation is to ensure that the State Income Tax Refund Setoff will pay back money spent for public assistance. Currently, there is no provision for who should be reimbursed first, either the Commonwealth or the custodial parent who was previously on the welfare rolls and accrued a debt that was never satisfied.


Written comments may be submitted until July 26, 1986, to Jean White, Director, Division of Child Support Enforcement, Department of Social Services, 8007 Discovery Drive, Richmond, Virginia 23288

† July 26, 1986 - Written comments may be submitted until this date.

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 Child Support Enforcement, intends to adopt regulations entitled: VR 615-70-2. Application Fee Scale. The proposed regulations provide a sliding scale for application fees for child support enforcement services.

STATEMENT

Substance: The proposed regulation, as set forth in the scale of application fees, has been based on income levels as stated in the U.S. Poverty Guidelines issued in March, 1985. The application fee scale is a sliding scale ranging from $1.00 to $25.00. This is the maximum amount allowed by federal regulations.

Issues: Effective October 1, 1985, federal regulation 45 CFR 302.33 requires states to charge those people not receiving public assistance an application fee which shall not exceed $25.00. This application fee shall be based on the applicant's income and shall be designed so as not to discourage the application for services by those most in need.

Section 63.1-250.2 of the Code of Virginia, effective October 1, 1985, required the Board of Social Services to establish a schedule of fees, based on ability to pay. The criteria set forth in the federal regulation is stated in the state law. The amount to be charged is low enough to allow anyone to apply who wants child support enforcement services.

Basis: The proposed application fee scale has been developed pursuant to §§ 63.1-25 and 63.1-250.2 of the Code of Virginia, and 45 CFR 302.33 of the Code of Federal Regulations.

Purpose: The purpose of proposing a sliding scale for application fees is to allow people with a lesser income to better afford child support enforcement services. We believe the proposed application fee scale is consistent with the intent of state and federal laws.


Written comments may be submitted until July 26, 1986 to Jean White, Director, Division of Child Support Enforcement, Department of Social Services, 8007 Discovery Drive, Richmond, Virginia 23288.

† July 26, 1986 - Written comments may be submitted until this date.

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 Child Support Enforcement intends to adopt regulations entitled: VR 615-70-3. Separate Fee Charged for Child Support Enforcement Services. The proposed regulation defines what separate charges will be recovered for costs incurred above the application fee for child support enforcement services.

STATEMENT

Substance: The proposed regulation defines what separate charges will be recovered for costs incurred above the application fee for child support enforcement services. The child support enforcement program, by provision of state law and federal regulation, may charge for these costs. In addition, federal regulations allow for charges to be made for specific federal services rendered.

Issues: Effective October 1, 1985, the Code of Virginia states that the Board of Social Services shall establish a schedule of additional fees which may be charged to cover the costs incurred by the department in providing...
child support enforcement services. Because the intent of state and federal law is not to discourage those most in need from using these services, the Department of Social Services, with the approval of the Board of Social Services, proposes to limit the charge for additional fees to the cost of HLA (Human Leukocyte Antigen) blood testing only. HLA blood testing is a specific type of blood test allowed by state law as admissible evidence in paternity suits. If the alleged responsible person is determined to be the father, then he will be charged for the cost of the blood test. If he is not found to be the father, then the Department of Social Services will absorb the costs. Section 63.1-250.2 of the Code of Virginia provides that costs shall be recoverable from the responsible person and not the custodial parent.

**Basis:** The proposed regulation has been developed pursuant to §§ 63.1-25 and 63.1-250.2 of the Code of Virginia.

**Purpose:** By proposing a regulation to limit separate charges for child support enforcement services to one additional fee, those most in need will not be discouraged from applying for services. In addition, to the extent possible, the person named as the legal father of the child should not burden the taxpayers by having the state bear this expense when he is financially capable of paying. We believe the proposed regulation is consistent with the intent of state and federal laws.

**Statutory Authority:** § 63.1-250 of the Code of Virginia.

Written comments may be submitted until July 26, 1986, to Jean White, Director, Division of Child Support Enforcement, Department of Social Services, 8007 Discovery Drive, Richmond, Virginia 23288.

Contact: Jane Clements, Chief, Bureau of Program Operations, Division of Child Support Enforcement, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23288, telephone (804) 281-9074

**BOARD OF SOCIAL WORK**

† June 26, 1986 - 1 p.m. — Open Meeting

The John Marshall Hotel, 5th and Franklin Streets, Richmond, Virginia

A meeting to (i) conduct general board business; (ii) review applications; (iii) respond to correspondence; and (iv) act on reports of oral examining committees.

**Contact:** John W. Braymer, Ph.D, Executive Director, 517 W. Grace St., Richmond, Va. 23220, telephone (804) 786-7703

**DEPARTMENT OF TAXATION**

July 8, 1986 - 10 a.m. — Public Hearing

General Assembly Building, House Room C, Capitol Square, Richmond, Virginia. &

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Taxation intends to amend the regulation entitled: VR 630-2-222. Virginia Taxable Income (Individual Income Tax Regulation). This regulation sets forth the method for computing the Virginia taxable income of individuals, including the various additions, subtractions, deductions, and modifications provided by law.

**STATEMENT**

**Basis:** This regulation is issued under the authority granted by § 58.1-203 of the Code of Virginia.

**Purpose:** As revised, this regulation sets forth the procedure for the subtraction of qualified agricultural contributions from the taxable income of individuals, as well as the other steps necessary to compute Virginia taxable income.

**Issues:** § 58.1-402 of the Code of Virginia provides for the subtraction from taxable income of qualified agricultural contributions made between January 1, 1985, and December 31, 1988. Contributions eligible for subtraction are those of crops that are donated by an individual engaged in the trade or business of raising such crops. Furthermore, the crops must be donated to an organization that is exempt from taxation under § 501(c)(3) of the Internal Revenue Code and the crops must be fit for human consumption, the use of the crops by the donee must be related to the purpose or function constituting the basis for the donee's exemption under § 501(c)(3) of the Internal Revenue Code, the contribution cannot be made in exchange for money, property, or service, and the donor must receive from the donee a written statement stating how the donated crops will be used. The value of a donation for purposes of the subtraction is the lowest wholesale market price of the donated product in the nearest regional market during the month in which the contribution is made, regardless of the grade or quality of the product. Lastly, the total subtraction computed must be reduced by the amount of any charitable contribution deduction claimed for federal and state income tax purposes on contributions qualifying for subtraction.

**Substance:** Applying the statutory subtraction available from January 1, 1985, to December 31, 1988, this regulation sets forth the procedure for subtracting qualified agricultural contributions from taxable income. Under the regulation, the word "crop" is limited in meaning to products of the soil; thus, the word excludes animal products. Also, the meaning of the term "fit for human consumption" is limited to edible products. For purposes of computing the actual subtractible value of donated crops, this regulation requires the use of the lowest wholesale market price, regardless of grade or quality, published for
the donated crop by the U.S. Department of Agriculture in the regional market closest to the donor's place of business.


Written comments may be submitted until July 8, 1986.

Contact: Danny M. Payne, Director, Tax Policy Division, P.O. Box 6-L, Richmond, Va. 23282, telephone (804) 257-8010

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July 8, 1986 - 10 a.m. -- Public Hearing
General Assembly Building, House Room C, Capitol Square, Richmond, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Taxation intends to amend the regulation entitled: VR 650-3-482. Virginia Taxable Income (Corporation Income Tax Regulation). This regulation sets forth the method for computing the Virginia taxable income of corporations, including the various additions, subtractions, deductions, and modifications provided by law.

STATEMENT

Basis: This regulation is issued under the authority granted by § 58.1-203 of the Code of Virginia.

Purpose: As revised, this regulation sets forth the procedure for the subtraction of qualified agricultural contributions from the taxable income of corporations, as well as the other steps necessary to compute Virginia taxable income.

Issues: § 58.1-402 of the Code of Virginia provides for the subtraction from taxable income of qualified agricultural contributions made between January 1, 1985, and December 31, 1988. Contributions eligible for subtraction are those of crops that are donated by a corporation engaged in the trade or business of raising such crops. Furthermore, the crops must be donated to an organization that is exempt from taxation under § 501(c)(3) of the Internal Revenue Code and the crops must be fit for human consumption, the use of the crops by the donee must be related to the purpose or function constituting the basis for the donee's exemption under § 501(c)(3) of the Internal Revenue Code, the contribution cannot be made in exchange for money, property, or service, and the donor must receive from the donee a written statement stating how the donated crops will be used. The value of a donation for purposes of the subtraction is the lowest wholesale market price of the donated product in the nearest regional market during the month in which the contribution is made, regardless of the grade or quality of the product. Lastly, the total subtraction computed must be reduced by the amount of any charitable contribution deduction claimed for federal and state income tax purposes on contributions qualifying for subtraction.

Substance: Applying the statutory subtraction available from January 1, 1985, to December 31, 1988, this regulation sets forth the procedure for subtracting qualified agricultural contributions from taxable income. Under the regulation, the word "crop" is limited in meaning to products of the soil; thus, the word excludes animal products. Also, the meaning of the term "fit for human consumption" is limited to edible products. For purposes of computing the actual subtractible value of donated crops, this regulation requires the use of the lowest wholesale market price, regardless of grade or quality, published for the donated crop by the U.S. Department of Agriculture in the regional market closest to the donor's place of business.


Written comments may be submitted until July 8, 1986.

Contact: Danny M. Payne, Director, Tax Policy Division, P.O. Box 6-L, Richmond, Va. 23282, telephone (804) 257-8010

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July 8, 1986 - 10 a.m. -- Public Hearing
General Assembly Building, House Room C, Capitol Square, Richmond, Virginia.

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 the regulation entitled: VR 630-10-24.4. Common Carriers of Property or Passengers by Railway (Retail Sales and Use Tax Regulation). This regulation sets forth the application of the sales and use tax to tangible personal property used or consumed by common carriers of property or passengers by railway.

STATEMENT

Basis: This regulation is issued under the authority granted by § 58.1-203 of the Code of Virginia.

Purpose: This regulation sets forth the application of the sales and use tax to the use or consumption of tangible personal property by common carriers of property or passengers by railway.

Issues: § 58.1-608 of the Code of Virginia exempts from the sales and use tax tangible personal property used or consumed directly by a common carrier of property or passengers by railway in the rendition of its public service. The Virginia Supreme Court in Commonwealth v. Community Motor Bus Company, 214 Va. 155, 198 S.E. 2d 619 (1973) held that an item of tangible personal property, to be exempt under the statute, must be indispensable to and used immediately in the actual rendition of a carrier's
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Issues: The 1985 General Assembly counteracted, effective July 1, 1986, the existing sales and use tax regulations which impose a tax on all charges for advertising where a tangible product is produced. In doing so, the General Assembly substantially broadened the exemption which existed prior to July 1, 1985, to include not only ads prepared and placed in the media by the preparer, but also any other ads sold to purchasers who then place the ads in the media themselves. This regulation explains this change and provides examples of taxable and exempt transactions.

Substance: This regulation specifies that charges by an advertising business for professional services in the planning, creating or placing of advertising in newspapers, magazines, billboards, direct mail, television, radio and other media, are not subject to the tax, regardless of how such charges are computed, and whether the advertising business itself, or its client actually places the ad in the media.


Written comments may be submitted until July 3, 1986.

Contact: Danny M. Payne, Director, Tax Policy Division, P.O. Box 6-L, Richmond, Va. 23282, telephone (804) 257-8010

VIRGINIA PUBLIC TELECOMMUNICATIONS BOARD

June 18, 1986 - 10 a.m. - Open Meeting
Department of Information Technology, 4th Floor, 110 South 7th Street, Richmond, Virginia.

A quarterly meeting regarding telecommunications contracts and public television and radio issues.

Contact: Suzanne Piland, Department of Information Technology, 1st Floor, 110 S. 7th St., Richmond, Va. 23219, telephone (804) 344-5580

THE GOVERNOR'S COMMISSION ON TRANSPORTATION IN THE TWENTY-FIRST CENTURY

May 27, 1986 - 10 a.m. - Open Meeting
General Assembly Building, House Room D, Capitol Square, Richmond, Virginia.

COMMISSION MEETING No. 5
Reports on highway trust fund split
VDH&T maintenance and budgeting procedure

June 9, 1986 - 10 a.m. - Open Meeting
General Assembly Building, House Room D, Capitol Square, Richmond, Virginia.
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COMMISSION MEETING No. 6
Review of alternative financing
Approaches and legal constraints
July 7, 1988 - 10 a.m. - Open Meeting
General Assembly Building, House Room D, Capitol Square, Richmond, Virginia.

COMMISSION MEETING No. 7
Development of recommendations for funding transportation needs
July 21, 1988 - 10 a.m. - Open Meeting
General Assembly Building, House Room D, Capitol Square, Richmond, Virginia.

COMMISSION MEETING No. 8
Review of final report
Contact: Jewel A. Paige, Administrative Assistant, 10th Floor, Ninth Street Office Bldg., Richmond, Va. 23219, telephone (804) 786-2405

DEPARTMENT OF THE TREASURY AND TREASURY BOARD
June 19, 1988 - 10 a.m. - Public Hearing
James Monroe Building, First Floor, Conference Room B, 101 North 14th Street, Richmond, Virginia.
Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of the Treasury and Treasury Board intends to adopt regulations entitled: Guidelines for Public Participation in Regulation Development and Premulgation.

STATEMENT
Basis: The Department of Treasury and the Treasury Board have under law, responsibilities related to the deposits of the Commonwealth’s monies and the security of those deposits and depositories that receive state funds.

Purpose: To establish procedures and guidelines under which interested citizens, professional associations and industry associations can participate in the development and promulgation of regulations related to the deposit, security and disposition of the Commonwealth’s monies.

Impact: Currently, 90 banks representing about 1200 deposit locations, 65 savings and loan institutions, other members of the financial community as well as entities of state and local government could, individually or collectively, be interested in or affected by regulations promulgated by the Department of the Treasury or the Treasury Board.

Summary: The Department of the Treasury and the Treasury Board may determine that regulations are necessary to meet their responsibilities under law for the receipt, disbursement, management and safekeeping of the Commonwealth’s monies. The proposed Public Participation Guidelines will allow citizens, professional associations and industry associations to participate in the process of regulations.


Written comments may be submitted until June 1, 1986.
Contact: Joseph K. Reid, Director of Planning, P.O. Box 6-H, Richmond, Va. 23215, telephone (804) 225-2142

VIRGINIA BOARD OF VETERINARY MEDICINE
June 18, 1988 - 1 p.m. - Open Meeting
Best Western-Market Place Hotel, Chesapeake Room, 7th & Marshall Streets, Richmond, Virginia.
A meeting to discuss general board business and informal conferences.

June 19, 1988 - 8 a.m. - Open Meeting
Medical College of Virginia, Sanger Hall, Rooms 1-044 and 2-020, 1101 East Marshall Street, Richmond, Virginia.
Veterinarian examinations (Room 2-020); Animal Technician examinations (Room 1-044).

June 20, 1988 - 9 a.m. - Open Meeting
Medical College of Virginia, Sanger Hall, Room 1050, 1101 East Marshall Street, Richmond, Virginia.
A general board business meeting.

Contact: Moria C. Lux, Virginia Board of Veterinary Medicine, P.O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0069

VIRGINIA BOARD FOR THE VISUALLY HANDICAPPED
July 18, 1988 - 11 a.m. - Open Meeting
Administration Headquarters, 397 Azalea Avenue, Richmond, Virginia.
Interpreter for deaf provided if requested.

The board meets quarterly to review policy and procedures of the Virginia Department for the Visually Handicapped. The board reviews and approves the department’s budget, executive agreement, and operating plan.

Contact: Diane E. Allen, Acting Confidential Secretary, 397 Azalea Avenue, Richmond, Va. 23227, telephone (804) 264-3145

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### DEPARTMENT FOR THE VISUALLY HANDICAPPED

**Advisory Committee on Services**

**June 14, 1986 - 10:30 a.m. - Open Meeting**

**Administrative Headquarters, 397 Azalea Avenue, Richmond, Virginia.** There interpreter for deaf provided if requested.

This committee meets quarterly to advise the Virginia Department for the Visually Handicapped on matters related to services for the blind and visually handicapped citizens of the Commonwealth.

**Contact:** George A. Koger, Executive Assistant, 397 Azalea Ave., Richmond, Va. 23227, telephone (804) 264-3148

### STATE WATER CONTROL BOARD

**† June 23, 1986 - 9 a.m. - Open Meeting**

**† June 24, 1986 - 9 a.m. - Open Meeting**

General Assembly Building, Senate Room B, Capitol Square, Richmond, Virginia. A regular quarterly meeting.

**Contact:** Donneva A. Dalton, State Water Control Board, Office of Policy Analysis, 2111 N. Hamilton St., P.O. Box 11143, Richmond, Va. 23230, telephone (804) 257-6829

**† July 15, 1986 - 10 a.m. - Open Meeting**

Abingdon Council Chamber, 133 West Main Street, Abingdon, Virginia. A

**† July 14, 1986 - 10 a.m. - Open Meeting**

Roanoke Council Chambers, 215 Church Street, S.W., Roanoke, Virginia. A

**† July 17, 1986 - 10 a.m. - Open Meeting**

Warrenton Council Chambers, Municipal Building, 18 Court Street, Warrenton, Virginia. A

**† July 18, 1986 - 10 a.m. - Open Meeting**

Williamsburg/Jamestown Court House, 321-45 Court Street, Williamsburg, Virginia. A

A regular quarterly meeting.

This joint meeting/workshop is being held by the State Water Control Board and the Department of Health in order to discuss with the public proposed amendments to the Commonwealth of Virginia Sewerage Regulations. The joint regulations originally became effective on February 1, 1977, and these amendments primarily reflect advances in technology since that time. Major changes involve the addition of regulations for newer technologies including ultraviolet light irradiation, composting, and rotating biological contractors and significant revisions to sections on land application of sludge, land application of wastewater, aerated lagoons, disinfections, and sludge handling processes. Drafts of the regulations are available upon request. Comments may also be submitted in writing through July 18, 1986.

**Contact:** Charley Banks, State Water Control Board, 2111 N. Hamilton St., Richmond, Va. 23230-1143, telephone (804) 257-6351

### VIRGINIA WINEGROWERS ADVISORY BOARD

**† June 3, 1986 - 11 a.m. - Open Meeting**

Boar’s Head Sports Club, Charlottesville, Virginia

The board is meeting primarily to discuss the status of a research project which was approved for funding at a previous meeting.

**Contact:** Lou Ann Ladin, Secretary-Treasurer, Virginia Winegrowers Advisory Board, Virginia Department of Agriculture and Consumer Services, P. O. Box 1163, Richmond, Va. 23208, telephone (804) 786-0481

### VIRGINIA COUNCIL ON THE STATUS OF WOMEN

**† June 15, 1986 - 5 p.m. - Open Meeting**

**† June 16, 1986 - 9 a.m. - Open Meeting**

**† June 17, 1986 - 9 a.m. - Open Meeting**

Roslyn Conference Center, 8727 River Road, Richmond, Virginia

A planning session for the council committees and the Virginia Council on the Status of Women. An agenda may be obtained from the council office on June 9th.

**Contact:** Bonnie H. Robinson, Executive Director, Virginia Council on the Status of Women, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9200

### LEGISLATIVE

### HOUSE APPROPRIATIONS COMMITTEE

**† June 16, 1986 - 9:30 a.m. - Open Meeting**

Virginia Institute of Marine Science, College of William and Mary, Gloucester Point, Virginia

A meeting to discuss "Virginia's Chesapeake Bay Initiatives."

**Contact:** Donna C. Johnson, House Appropriations Committee, General Assembly Bldg., 9th Floor, Capitol Square, Richmond, Va. 23219, telephone (804) 786-1837

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**Calendar of Events**

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Calendar of Events

**COAL AND ENERGY COMMISSION**

† June 10, 1988 - 10 a.m. - Open Meeting
General Assembly Building, Senate Room B, Capitol Square, Richmond, Virginia.

The commission will be briefed on the costs and benefits of gasohol as an alternative fuel source (SJR 15) and will receive information on the use of coal in state facilities (HJR 107).

**Oil and Gas Subcommittee**

† June 18, 1988 - 7:30 p.m. - Public Hearing
Board of Supervisor's Hearing Room, 205 Academy Drive, Abingdon, Virginia

A public hearing to determine the adequacy of the Virginia Oil and Gas Act (§ 45.1-286 et seq. of the Code of Virginia) in light of past ground water contamination occurrences in the Town of Jonesville and at the Paint Bank Fish Hatchery in Craig County.

Contact: Michael Ward, Staff Attorney, or Martin Farber, Research Associate, Division of Legislative Services, P.O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

**VIRGINIA CODE COMMISSION**

† June 24, 1988 - 9:30 a.m. - Open Meeting
† June 25, 1988 - 9:30 a.m. - Open Meeting
General Assembly Building, Speaker's Conference Room, 6th Floor, Capitol Square, Richmond, Virginia.

The commission will proceed with the revision of Title 29.1 and Title 54.

Contact: Joan W. Smith, Registrar of Regulations, Virginia Code Commission, General Assembly Building, 2nd Floor, Capitol Square, Richmond, Va. 23219, telephone (804) 786-3591

**HOUSE OF DELEGATES**

**COMMITTEE ON EDUCATION**

May 29, 1988 - 10 a.m. - Open Meeting
General Assembly Building, House Room C, Capitol Square, Richmond, Virginia.

The committee will meet to review carryover legislation.

Contact: Norma Szakal, Staff Attorney, Division of Legislative Services, General Assembly Bldg., 2nd Floor, Capitol Square, Richmond, Va. 23219, telephone 786-3591

**CHRONOLOGICAL LIST**

**OPEN MEETINGS**

May 27
- Marine Resources, Commission
- Mental Health and Mental Retardation, Department of
- Interagency Coordinating Council
- Transportation in the Twenty-First Century, The Governor's Commission on

May 28
- Commerce, Department of
- Health Service Cost Review Council, Virginia
- Mental Health and Mental Retardation, Board
- Optometry, Virginia Board of
- Real Estate Board, Virginia
- Sewage Handling and Disposal Appeals
- Review Board, State

May 29
- Commerce, Department of
- Dentistry, Virginia Board of
- House of Delegates
- Committee on Education
- Mental Health and Mental Retardation, Department of
- Mental Health and Mental Retardation, Department of
- University of Virginia Institute of Law, Psychiatry and Public Policy, Division of Continuing Education; and Office of Continuing Medical Education
- Optometry, Virginia Board of
- Real Estate Board, Virginia

May 30
- Children's Residential Facilities, Interdepartmental Licensure and Certification of
- Coordinating Committee
- Mental Health and Mental Retardation, Department of
- University of Virginia Institute of Law, Psychiatry and Public Policy, Division of Continuing Education; and Office of Continuing Medical Education

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Calendar of Events

June 3
Alcoholic Beverage Control Board, Virginia
Audiology and Speech Pathology, Virginia Board of Examiners for
Winegrowers Advisory Board, Virginia

June 4
Conservation and Historic Resources, Department of
- Outdoor Recreation Advisory Board
Higher Education for Virginia, State Council of
Motor Vehicles, Department of

June 5
Motor Vehicles, Department of

June 6
General Services, Department of
- Art and Architectural Review Board
- Division of Consolidated Laboratory Services Advisory Board
Motor Vehicles, Department of

June 9
Air Pollution Control Board, State
Alcoholic Beverage Control Board, Virginia
Real Estate Board, Virginia
Transportation in the Twenty-First Century, The Governor's Commission on

June 10
Coal and Energy Commission
Marine Products Board, Virginia
Medical Assistance Services, Department of
Real Estate Board, Virginia
Rehabilitative Services, Board of
- Ad Hoc Committee

June 11
Children's Residential Facilities, Interdepartmental
Licensure and Certification of
- Advisory Committee
Outdoors Foundation, Virginia
Taxation of Public Service Corporations, Joint Subcommittee Studying

June 12
Apprenticeship Council, Virginia
Highways and Transportation, Virginia Department of
Nursing Home Administrators, State Board of
Examiners for
Perinatal Services Advisory Board, State
Real Estate Board, Virginia

June 13
Real Estate Board, Virginia

June 14
Visually Handicapped, Department of
- Advisory Committee on Services

June 15
Women, Virginia Council on the Status of

June 16
House Appropriations Committee
Women, Virginia Council on the Status of

June 17
Air Pollution Control Board, State
Alcoholic Beverage Control Board, Virginia
Polygraph Examiners Advisory Board
Small Business Financing Authority, Virginia
Women, Virginia Council on the Status of

June 18
Corrections, Board of
Pilots, Board of Commissioners to Examine
Public Telecommunication Board, Virginia
Real Estate Board, Virginia
Social Services, Board of
Veterinary Medicine, Virginia Board of

June 19
Highways and Transportation, Virginia Department of
Real Estate Board, Virginia
Social Services, Board of
Veterinary Medicine, Virginia Board of

June 20
Children's Residential Facilities, Interdepartmental
Licensure and Certification of
- Coordinating Committee
Real Estate Board, Virginia
Rehabilitative Services, Board of
- Evaluation Committee
Social Work, Board of
Veterinary Medicine, Virginia Board of

June 23
Water Control Board, State

June 24
Architects, Professional Engineers, Land Surveyors and Certified Landscape Architects, State Board of
- Board of Certified Landscape Architects
Auctioneers Board, Virginia
Code Commission, Virginia
Library Board, Virginia State
Pharmacy, State Board of
Water Control Board, State

June 25
Code Commission, Virginia
Pharmacy, State Board of
Sewage Handling and Disposal Appeals Review Board, State

June 26
Criminal Justice Services Board
- Committee on Justice Information Systems
Rehabilitative Services, Board of
- Finance Committee
- Programs Committee

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### PUBLIC HEARINGS

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